

BOARD OF MAYOR AND ALDERMEN

August 7, 2007

7:30 PM

Mayor Guinta called the meeting to order.

The Clerk called the roll. There were thirteen Aldermen present.

Present: Aldermen Roy, Gatsas, Long, Duval, Osborne, Pinard, O’Neil,
Lopez, Shea, DeVries, Garrity, Smith, Forest.

Absent: Alderman Thibault

Mayor Guinta recessed the regular meeting and called the special meeting on public participation back to order.

Mayor Guinta called the meeting back to order.

Mayor Guinta stated we have one presentation if the Latinos Unidos could please come forward.

Edwin Mosquera stated I am the new Public Relations Director for Latinos Unidos of New Hampshire and with me are the first Queen of the Festival and the second Queen. We are here basically to thank you, Mr. Mayor, and the Board of Aldermen especially Mike Lopez for all the support throughout the years you have given us as a minority, as a Latino community and especially the support for the Latino Festival which is what we organize. The main purpose of the Latino Festival is not only to promote our culture and show the City of Manchester the difference that we have but to raise money for scholarships for Latinos. We’re very proud to say that last year we presented over \$7,000 this year for scholarships to college for Latinos and Latino kids. Other than that I would just like to one more time thank you for all the support and all the help you provide us with. Our Queen would like to say a quick hello and then our President Sonia would like to say a few words. Thanks again.

Queen Dolsa Cruz stated I’m from the Dominican Republic and I’m the queen of the Latin Festival. I would like to invite you all to come to our Festival on August 18th...the parade is at eleven o’clock and I will be really happy if you come. Thank you.

Ms. Sonia Para stated I’m the President of Latinos Unidos of New Hampshire and we would like to do a special recognition today to Mr. Mike Lopez because throughout the years Mike

Lopez has been the soul behind the Latinos Unidos organization and we want to recognize his support by providing him with this recognition. Just like every year we have a little bit of entertainment for all of you today...it's going to be a short one but it's a sample of what we're going to provide to all the City of Manchester on the day of our festival. We have here a group of girls from Manchester who are going to be dancing for you all. It's called El Grupo Carivenyo.

A brief dance presentation was made.

Mayor Guinta called the meeting to order in joint session with the Library Trustees.

The Clerk called the roll.

Present: Aldermen Roy, Gatsas, Long, Duval, Osborne, Pinard, O'Neil, Lopez, Shea, DeVries, Garrity, Smith, Forest

Library Trustee Members Joanne Barrett, Joseph Sullivan, Kevin Devine, Jeffrey Hickock, Karen Sheehan Lord

Absent: Alderman Thibault
Library Trustee Peter Duffy, Madeleine Roy

Mayor Guinta advised that nominations are in order to fill the unexpired term of Peter Duffy such nominations to be made for a term to expire October 2013.

On motion of Library Trustee Member Sheehan Lord, duly seconded by Alderman Roy, it was voted to accept Peter Duffy's resignation as a Library Trustee with regrets.

Alderman Long moved to nominate Attorney Jack Shea to fill the unexpired term to Peter Duffy, term to expire October 2013.

On motion of Alderman Long, duly seconded by Alderman Osborne, it was voted to close nominations.

On motion of Alderman Duval, duly seconded by Alderman Pinard it was voted to suspend the rules and confirm the nomination of Attorney Jack Shea to the Library Board of Trustees, term to expire October 2013.

There being no further business to come before the joint session, on motion of Alderman Smith, duly seconded by Alderman Garrity, it was voted to adjourn.

Mayor Guinta called the regular meeting of the Board back to order.

The Clerk called the roll. There were thirteen Aldermen present.

Present: Aldermen Roy, Gatsas, Long, Duval, Osborne, Pinard, O'Neil, Lopez, Shea, DeVries, Garrity, Smith, Forest.

Absent: Alderman Thibault

10. Discussions relating to newly proposed project:

- a) request of Alderman Gatsas that County Attorney Marguerite Wageling appear before the Board to provide information on the new project to administer \$680,000 in federal funding in attempting to lower the recidivism rate of sex and violent offenders in the area.
- b) request of Alderman Lopez that Chief Jaskolka address the Board regarding this project.

Mayor Guinta stated I would like to welcome our Attorney General Kelly Ayotte...thank you very much for being here.

County Attorney Marguerite Wageling stated I'm the Hillsborough County Attorney and I was asked to attend this meeting by Alderman Gatsas and I'm certainly prepared any questions you have but if I could take just a second to provide a general outline for you so that again there could be some clarity of what the program is and what the program isn't and then I'd like to also introduce the people that are here with me. Obviously you know Chief Jaskolka of the Manchester Police Department and to my right Attorney General Kelly Ayotte and to her right is Mike McAllister is who the Director of Field Services for the Department of Corrections. Also present in the audience is Ellie Therrien who is an individual I've consulted with at length relative to this program and it would be my expectation that once this program is up and running she would be the Director of the program so she is here and ready to answer additional questions if you have them for her (Ellie if you don't mind standing). Just to give you a little bit of background because I think it might be helpful for you to have a little bit of an understanding...the program that is soon to be implemented in Manchester is a program that actually was in effect in Manchester in and around 2004 and is a federal grant that the Department of Corrections applied for and received. It was approximately \$1.5 million and it was directed to Manchester...all of the documents that had been initiated for that program target the program for Manchester. It's a pilot program with the hope that it would eventually be implemented across the state but it was going to start in Manchester. The program began, it had employees, representatives of the Manchester community including myself, individuals from the Parole Board, Marty Boldin from Youth Services, the Health Department...there were individuals from the City of Manchester who were on the Advisory Committee, in fact, for this re-entry program that was in effect and was dealing with inmates just as I'm anticipating to do with the program that is soon to come to Manchester. So this is not a new program it's simply a program that's going to be reinitiated into Manchester. The only difference is that instead of the Department of Corrections running it the Hillsborough County specifically myself will be the administrator of the program. Basically, what happened in between point A in 2004 and today is that the Department of Corrections determined that they simply were ineffective in

running the program and so they decided to give the money back to the federal government and a number of people came forward to Attorney General Ayotte and begged upon her to involve herself in that process because many people in the community thought that that was very wrong, that is was a program that would bring great service to this community and would provide based upon national statistics and other statistics of more local origin that I'll speak of later would reduce recidivism in this community and so she worked upon that process and had her staff work upon the process and she created frankly "magic" and was successful in having the federal government bring the money back to New Hampshire under the proviso that the Department of Corrections would not run the program and so I was not building a fiefdom in fact I was sitting fat, dumb and happy in Hillsborough County down on Chestnut Street here and I was called by Attorney General Ayotte and asked if I would provide her assistance in bringing this project back to Manchester because of so many people's great belief that it would provide service to the City and so when the Attorney General calls of course what you do is say yes and so I did and I have been working with her office and with her since in and around November and we had had conversation prior to that in terms of bringing this project back to Manchester. Because the county is involved, however, it had to go through county approval and as compared to what happened the last time which is that it went through the state agencies and Governor and Council and so forth for the Department of Corrections to implement it this time in addition to that sort of process that has to go on when federal grant money is accepted by the state and then regranted to another entity this time Hillsborough County. Hillsborough County then had to provide approval and part of that approval process is that I'm required by Hillsborough County to develop a very specific plan. I had to provide them with job descriptions down to minutia as to what these potential employees would do. I had to provide a budget, I had to really get down and dirty and provide a project plan and all the ingredients that Hillsborough County would require for them to allow for employees to be hired by Hillsborough County and so what Representative Vaillancourt was speaking of are those very documents that I was required by the county, by the Commissioners and then by the Delegation as part of their protocol to initiate a project and accept those funds. So that's what I did and as that timeline continues we had first a vote by the Commissioners back in early July and then a second vote that is by the Executive Delegation on July 20th that is State Representatives from Hillsborough County to include Manchester and Nashua and the surrounding towns and they voted as you heard on a number of occasions 18-to-1 to approve the project and allow me to implement it. And so that is the basic background as to how we got where we are today. As you know from the documents that you've already been provided by Representative Vaillancourt had provided a description of the project to the County Delegation and that was one of the documents that I understand you were given and I don't...just as when I'm speaking with the judge I had to be redundant I'm of the assumption that you all have reviewed that and I don't want to bore you or take up time that I know you have tonight dedicated to other things but if you have any specific or general questions in terms of the project I'm very happy to answer them. The one thing that I want to make clear is that we have currently 103 inmates from the New Hampshire State Prison currently being supervised

by the Department of Corrections Parole office here in Manchester. These are Manchester residents that have been paroled out to Manchester and are being supervised by our Parole Probation office here in Manchester. Now, we've done some review of the inmates records at the New Hampshire State Prison and I can tell you that based upon the assessment of the next 18 months there is a possibility of 95 inmates that would fall within at least the age category and who also provided Manchester as a place of residence at the time of their arrest and incarceration that would likely be returning to Manchester. As part of the process that we will go through when we're trying to determine who will be acceptable to this program that's one of the first things that we will look at. These are inmates that would be coming back to Manchester whether or not the re-entry program is here or not. They would likely proceed through the halfway house here in Manchester as is required by any Parole Board whoever happens to be on the Parole Board at any given time and they would eventually parole out into the city. What we're here to provide is that assistance, that added cushion if you will starting six months previous to assist them in their re-entry into the Manchester community. Now I can't give you specifics in terms of statistics for New Hampshire because really none exist. I can only provide you statistics from other jurisdictions because re-entry programs have started up all across the country. It was a federal initiative and Maine is one of the states that took part in it and somebody was speaking earlier about Connecticut and how their rape numbers have decreased. Well I want you to know that Connecticut is one of the states that has initiated a re-entry program for the very reason that their crime rate was escalating through the ceiling, out of control and they decided they had to do something. They can't simply build more and more prisons and so they started a re-entry program and the PEW Charitable Foundation is studying what's going on in Connecticut because of that. They are looking to the fact that their recidivism rates that is their population in the state prison has decreased so substantially because they say this re-entry program was implemented and caused that reduction in recidivism. Now I don't work and live in Connecticut and I don't know if there's truth behind those statistics I can only tell you what I've read as a result of getting that call that fateful day back last summer, last fall by Attorney General Ayotte and I've taken the time to try to educate myself as best I can about these projects. It seems to work. I have every reason to believe that Manchester will be not an exception to the rule but will be part of the plan that we've seen across the country that is a success by implement a re-entry program. With all hope and expectation recidivism should be on the decline once the project is up and running. I don't know if it might be more beneficial to any of you or all of you if I allow you the opportunity to ask myself or any of the other individuals present here tonight questions that you might have about the project.

Alderman Osborne stated I'd like to hear from Chief Jaskolka on this...is he going to make a little presentation on this? I'd like to ask him a couple of questions.

Chief Jaskolka stated I didn't plan on making a presentation. After Alderman Lopez invited me I called him and asked...he mentioned a report and I told him that the best I could do for a report would be to plagiarize the County Attorney which I really didn't want to do and he

just asked that I be present here. I think if you look at the most remarkable thing about the program...the last page when you're looking at the numbers listed 62 to 67% re-offenders with 50% going back to prison and then the only real statistic we're basing anything on is we've actually been in contact with is Maine where theirs is down to about 18.5% to show that the program works. These people Alderman the parolees are coming back to Manchester and this is our opportunity to get them the drug and alcohol counseling or anything they need to be active members of our society as opposed to re-offenders going back to prison.

Alderman Osborne asked what does this involve with the Manchester Police Department money wise?

Chief Jaskolka replied this shouldn't involve anything as far as money wise with the Manchester Police Department Alderman. As I said we would deal with these parolees normally if they're in town. If the program works obviously we're going to have a lot less contact with re-offenders sending them back to prison. Even if we find a 20-30% reduction in the first year or so it's less we have to do but all in all it's not going to cost the Police Department anything.

Alderman Osborne stated it's not going to take up any more of your time is what you're saying.

Chief Jaskolka stated our hopes would be that it would take up less time because with the recidivism rate now we wouldn't be dealing with them.

Alderman Osborne stated we're talking 95...is that it 95 of them roughly...is that what you said?

County Attorney Wageling stated the statistics available today from the Department of Corrections I reviewed them looking at the age category...let me also comment that the document you have before you actually has an error in it, it's typographical and it's fault...it says 17 to 25, it should say 17 to 35...so it's inmates within the age range of 17 to 35 and right now within the next 18 months there should be 95 inmates paroling out into the Manchester community that would fit within this re-entry requirement of age.

Alderman Osborne stated you said they'd come here anyway regardless...is that what you're saying...all of them would come to Manchester?

County Attorney Wageling replied based upon the normal protocol yes that's exactly right. There's a lot more frankly but the only ones that fit within the age range of 17 to 35 are 95.

Alderman Osborne stated \$680,000 that's going to be divided among them...what does that come out to.

County Attorney Wageling stated that's a bit of a misconception. The grant money that's left is \$1.4 million and so obviously to get a project off the ground and then begin to integrate it into the community, into services that are already available to inmates we need to provide some seed money. Eventually it's my hope that the Department of Corrections and the state will take over this project and the federal money will dry up. It will end in March of 2009. So the money is there for a variety of reasons. One to buy equipment and to begin to hire people so all that money is not going to be spent in one year. I don't know what percentage it certainly depends on when we get it up and running and then as we have an increase in the population of people participating in the program we'll have to hire more staff. I had to provide job descriptions and base salaries and budget outlines based upon a fully working, fully staffed and fully utilized project...that won't take place for quite a number of months.

Alderman Osborne stated so there's no dollars from the taxpayers of Manchester involved here.

County Attorney Wageling stated there are federal funds...it is fully federally funded.

Mayor Guinta stated I know there are Aldermen who have questions...I've got just a couple of clarifying questions. First of all when is the program supposed to start, how long is the program, how long is the \$680,000 supposed to run and then what happens if the state chooses in '09 I think you said what happens if they choose not to fund it?

County Attorney Wageling replied the project goes away. The money that's available in total is \$1.4 million over the course of the grant starting within the next few weeks and ending in March of 2009. Who's to know what will happen within the federal entities if they choose, at some point, to extend that timeline. But as of today we have been told that that's a drop-dead date for this grant. Attorney General Ayotte might have additional information that she can provide on n to only the questions you've asked but some of the other questions that have already come up.

Attorney General Ayotte stated thank you very much Honorable Mayor and members of the Board of Aldermen. I just wanted to follow up on what I think a very important point which is that when we talked about this grant we convened a group which the County Attorney was included and the Commissioner of Corrections and one of the major concerns that we had that people who come to this grant and are part of this grant these services are carefully screened so that we are not introducing new people to Manchester we are in fact getting services to people who are otherwise going to be paroled to Manchester and I can assure you that that's a primary concern of mine, the County Attorney...so people are going to be very

carefully screened and there are already people that are already in your community unfortunately without some of the supports that this program is going to provide and it's one of the reasons why I thought it was so important that we not turn these federal dollars back to the federal government without using them for their intended purpose. With respect to the federal money as it exists right now we asked for an extension from the federal government for this grant (my office) and received the extension to March of 2009. So I do expect that the \$1.4 million will be expended by that time. Whether additional money comes forward after that is obviously something we would have to look at based on whether there are additional federal dollars we can apply for. Obviously whether the state will do anything on this will be an issue the state would take up but important if there's success then that's something important to look at as to whether even the federal government would consider giving us additional dollars to do this. I wanted to also say that my role as the State's Chief Law Enforcement Officer and one of the primary concerns and probably the primary concern I have in that role as a state is public safety and certainly that extends to this City and what happens in this City. The reason that I thought it was so important to save these dollars is because to the extent that we can reduce the recidivism rate of parolees that are already coming to your City of additional crimes that they commit then that's one less person that the police hopefully have to deal with. Again, that's really the goal of the program.

Mayor Guinta asked would you just clarify first of all what constitutes a Manchester resident and then who makes the determination that that parolee is sent back to Manchester as opposed to another part of the State?

County Attorney Wageling replied ultimately it's always up to the Parole Board because they're the entity that legally has jurisdiction over that issue. There was and I expect there will be again a member from the Parole Board as part of the Advisory Committee to this project. What I have been told is that once...we're going to initiate contact six months pre-parole to individuals who have provided Manchester as a place of residence at the time of their arrest and incarceration. Now if they don't show that they have appropriate ties to the community then likely they won't be considered. The reality is that if they are people that live in the community and intend to come back to the community they can choose to not participate in the re-entry program and still be paroled to Manchester. Everybody is not going to be required to participate in this project. It's going to be inmates that choose to participate in the project and so the combination of their willingness to better themselves and participate in a project such as this and then having those appropriate ties to the City of Manchester at the time of their arrest and incarceration would lend them appropriate for consideration. We have to ensure that they really have a sincere interest in participating in the project before we'll allow them into the project.

Alderman Shea stated I'd be primarily interested in where these people are going to be housed. Some of us have had a lot of crime in our wards and obviously adding another dimension here is going to...in the minds of my constituents...make a poor situation existing

now worse. And, then I'd be interested in how many of these people are going to be housed together. Obviously halfway houses as you noted in Connecticut are people who were assigned to a halfway house...they were a poor mix. In other words by themselves they probably didn't perpetrate violent crimes but together these two individuals did perpetrate allegedly of course the jury is still out so these are the concerns that I have...where would these people be placed, how many would be in each particular residence, what type of people would be blended together, etc. Could you answer a little bit of that?

County Attorney Wageling replied there's no expectation...we're "not going to house anybody". It's not adding another dimension at all to the City of Manchester. These are individuals that would be paroled to Manchester anyhow and would be transitioning through either the Manchester halfway house or some other halfway house as they work their way from maximum security through minimum security and then out into the population and so as part of their parole package and as part of their participation in the Re-entry Program they will have to find suitable housing and we will assist them as best we can to provide that suitable housing to them but only in the sense of helping them find leads and encouraging appropriate landlords to take in inmates when it's an appropriate setting for them to live there. But we're not going to develop any halfway house program in addition to what's already here. We will be utilizing the program that already exists in Manchester and then augmenting those programs by providing leads and common sense, life skills...those sorts of things to the inmates so that they'll be finding appropriate housing for themselves.

Alderman Shea stated right but there are various agencies that are trying to establish halfway houses in Manchester and I'm not sure if they're established and then your program comes this is going to be a complicated situation obviously. There's been moves afoot to have one on Elm Street, they tried to put one on Somerville Street.

County Attorney Wageling stated my memory, Alderman Shea is that that was a federal program, not a state program.

Alderman Shea stated right that's what I'm saying but if in fact they are allowed to come here you'd have a state program, you'd have a federal program if in fact they do come. How many programs would you want Manchester to have when other communities in New Hampshire don't have really any...this is what I'm saying. At least limited programs I'm not familiar.

County Attorney Wageling stated I don't want to be a misapprehension about what this project is. The project is here to assist the current residents of Manchester people that would be returning to Manchester anyhow. We're not developing another halfway house. We are not going to be working with the federal government relative to encouraging a halfway house on behalf of the federal government. We have nothing to do with that. These are inmates that would be paroling potentially to our halfway house here in Manchester but it could be to

the Concord facility or the Laconia facility they would be paroling here anyhow and once they parole out of those halfway houses they have to find places to live and they wouldn't be living in the halfway house once on parole they would be out in the streets in apartments and in their homes with their families and we would be providing services to them in that venue once they get there. So we have no intention of developing any halfway house project and encouraging inmates to live together.

Attorney General Ayotte stated I wanted to also emphasis just to add that the money really can't be used with the grant to start a halfway house...that's not...the federal government in terms of the terms of this grant would not allow us to use the money to do that so it will not be used to do that and I would oppose that as well. But, I think that the other important distinction is the federal efforts to start a halfway house here are federal inmates who have committed federal crimes so they're not within the control of the state, they've been paroled from the federal system.

Alderman Lopez stated first of all I have high respect for all of you in law enforcement and do a great job in the county and in the Attorney General's office. I have a lot of questions and some of them have been answered. You said in the statement that they provide a service. Can you elaborate on that or did I misunderstand you?

County Attorney Wageling stated I'm sorry.

Alderman Lopez stated that the prisoners provide a service or did I misunderstand.

County Attorney Wageling stated I think so unless I can put it back into the context of what I was saying I don't recall saying that I apologize.

Alderman Lopez stated the other thing is this is a done deal so to speak is that your opinion?

County Attorney Wageling replied well it's my understanding and I might have to defer to the Attorney General on this but that the federal money has been regranted back to the state. A budget has been submitted to the federal government relative to the grant based upon my budget and as far as I'm aware it is a done deal and I could stand corrected on that but as far as I'm aware it is a done deal.

Attorney General Ayotte stated once the Delegation voted to accept the funds on behalf of the county those are monies that are scheduled to go to the county at this point. We had to go through a state approval process as well which involved first the Legislative Fiscal Committee and then the Governor and Council before we could even ask to give the money to the County Attorney and then the County Attorney of course then got the approval of the Delegation.

Alderman Lopez stated let me ask you a question while you have the microphone. It was stated by Wil Infantine in reference to HB340 and sex offenders definition that they couldn't come to a conclusion. Since this program is going to start when?

Attorney General Ayotte replied I believe this fall or a number of months once the County Attorney gets it up and running.

Alderman Lopez stated since there's no state law in reference to where these people can stay can we as a city enact an ordinance that they cannot live near a school or playground in the City of Manchester? And the reason I say that is I talked to the Chief and we have about 350 sex offenders in the City of Manchester and we couldn't do anything about those but these people haven't come out of prison yet and we would be in violation if we created an ordinance.

Attorney General Ayotte replied I just want to say that for example the City of Dover has enacted an ordinance dealing with sex offenders and where they can live. I can't recall offhand what the specifics are in terms of the parameters of that ordinance. I do know that currently there are other areas of the state that have voted to adopt local ordinances dealing with that issue. Those ordinances, to my understanding, actually being challenged by the ACLU (American Civil Liberties Union) right now and I expect that that challenge will go to our State Supreme Court so that is something that I think is an open question. My office I expect will weigh in on that and we would be likely to weight in on the fact that you do have the authority to do that but it is something that you should be aware of. There are some challenges that are being brought to those efforts throughout the state. There was a bill as you know passed probably familiar with the last session dealing with sexual predators and that bill did...I worked on that along with Governor Lynch and many others...that bill didn't initially contain a provision that would have allowed people to affirmatively enact these types of ordinances and I know that Representative Infantine mentioned to you that he introduced a similar portion. The Legislature has not acted on a particular enabling piece of legislation but other places have relied on their own authority already existing to deal with local ordinances enacting what they've done.

Alderman Lopez stated but it wouldn't be in our legal right as home rule to enact an ordinance and then at the state later determine which would probably be a year or so down the road.

Attorney General Ayotte stated Alderman Lopez I wish I could give you a clear answer because these ordinances have been enacted and there are legal challenges being brought to them and we'll certainly weigh in on them and I think we would be weighing in on the side that you have the authority to do it because this hasn't been addressed by a court it's hard for me to give you a straightforward direct answer that you do have that authority.

Alderman Lopez stated so we could do it and let our attorneys fight with you.

Attorney General Ayotte stated you won't be fighting with me on it I'll be on the side that would be defending the ability.

Alderman Lopez stated let me ask the County Attorney a question. Is the county paying for all of the people arrested...like 62% according to the report get re-arrested. Do you pick up the cost, do you send the Sheriff's after them or does our Police Department have to take care of that?

County Attorney Wageling replied it depends. Under normal circumstances when somebody is out on parole they are supervised by a Parole Officer depending upon what they're doing that is in violation of the law or the rules of parole a Parole Officer can effectuate or arrest or they call in the Manchester Police to assist them and that's the way it has worked since I've been a prosecutor since 1985 till today and continues today. It depends if they've committed a new offense in Manchester the Manchester Police wants to be called in to participate in the arrest of that inmate. So it depends on what they're being arrested for. It could be a violation of the rule of their parole, a condition of their parole, it might not be a criminal law that's broken but it is a specific rule, a condition of their release and if they violate it they can be arrested and brought back before the Parole Board to face the Parole Board and have the Parole Board determine whether or not they'll be re-incarcerated. So it does depend.

Alderman Lopez stated I know there's other alderman...I have one final question and then you can go to someone else, your Honor. When people say it doesn't cost us any money in the last three or four years it's cost us a lot of money because we want safety in the City of Manchester which you're well aware of and we've hired many police officers so it is going to cost us money. We're going to have to get more police officers to take care of that 62% of the people who are going to get re-arrested and coordinate with the county and the state, it's going to take time and administrative time in order to do that. My question is this...why isn't there some mechanism for some money to come back to the City of Manchester for the Police Department for a police officer under this like other programs?

County Attorney Wageling replied again maybe there's some misapprehension. The 62% is what the current national statistics are...recidivism nationally for inmates that are paroled out. This project should reduce that number substantially and in fact again I can only use anecdotal evidence from other jurisdictions to tell you what will happen here in Manchester but the recidivism rate for people that participate in this program in Maine is down to 18.5%. So what Chief Jaskolka was speaking of earlier is that with some hope it will help the Police Department because they won't be responding to as many calls for service relative to parole violators. In fact it will be benefiting the City and if you branch out with those statistics to us as taxpayers and our property taxes relative to the state's burden in terms of building more prisons and housing inmates it should have a drastic impact state wide in terms of those

numbers because for every inmate that doesn't go back once you get back to a certain number it has a huge fiscal impact on the State of New Hampshire which isn't necessarily of your concern as an Alderman in Manchester but as a taxpayer it certainly concerns me and it's something that I will look hard and fast upon when I'm thinking about spending those federal dollars and in the long run it's my belief and I honestly and candidly believe that it will help with the taxpayers of not only Manchester but the State of New Hampshire because it will hopefully prevent us from being put in the position of having to build another prison, another facility.

Alderman DeVries stated the availability of support throughout the state LADAC and other types of counseling services is that readily available throughout the state or are those sort of support services really lacking today.

County Attorney Wageling stated they're lacking.

Alderman DeVries stated so if you were a Parole Officer trying to make a decision on whether you would look at a casual relationship that an individual may have with the residency in Manchester like living at our Homeless Shelter and sending him back to a city where he does have some very weak linkage because there are support services now available wouldn't you tend to do that and err in that direction and send him to a city where you think he's going to be supported.

County Attorney Wageling stated that's a fair question and certainly one that I can imagine all of you have but if we're true to this program it's our job to stick to our guns and only admit people that truly belong in this program and no in terms of timeline I'd say to you that if we're successful in Manchester it will branch out to the rest of the state that is certainly my hope. I have no intention on my children's lives that I have no intention of running this re-entry program into forever. I was asked to do this project, I'm going to do this project, Hillsborough County will be involved with it for a limited period of time and then it will be revert back to the state and with some hope and with people in the Legislature hearing that cry of need for LADAC and mental health providers across the state and facilities across the state I know I'd like to think that more services will be available everywhere not only in Manchester through a Re-entry Program.

Alderman DeVries stated could I ask I think the 2004 program that was initiated we really haven't heard a whole lot about that so what happened with that program, what towns, what cities, was it just in Manchester.

County Attorney Wageling stated just Manchester.

Alderman DeVries stated maybe the state is more appropriate. How was that relationship to the City adhered to do we have any anecdotal.

County Attorney Wageling stated Mr. McAllister might be able to answer that.

Alderman DeVries stated can you tell us how that worked in the past.

Mr. Mike McAllister stated the program while there was a lot of operational difficulties as Representative Kirk said our agency botched the program I'll be blunt...there were operational problems but at one point there were 26 offenders in the program and others in the pipeline. There were difficulties accessing money for various reasons for substance abuse and other services and there was also difficulties maintaining people in the positions that occupied the grant positions because when people come into state government in a grant position then they have the opportunity to laterally transfer to a permanent position. So we had a whole host of operational difficulties to be blunt and that's why the concept is very sound and that's why the department was not able to carry out successfully.

Alderman DeVries stated so based on what was just said specifically talking state employees and wanting to because it's grant funded what's going to be different here in 2007...it's going to be county employees in a grant that is going to terminate in 2009. Where is the big difference between 2004 other than the agency that it overseeing this to reassure us.

Attorney General Ayotte stated obviously I would defer to the County Attorney on the county employees but I wanted to echo that unfortunately this grant didn't have the right leadership and the individuals that the County Attorney has engaged in this are people that are involved in this community already in this area and who have a demonstrated commitment to leadership and know that this grant will end and realize that so I think that everything matters in terms of leadership and the leadership that's in place now is very very tied to this community, understands these issues and unfortunately that was very much so lacking in the Department of Corrections and their ability to keep that leadership in place. So, I will let the County Attorney follow this. That was one of the important things that we've discussed in terms of bringing this forward because it's a commitment obviously of the county and the city but my office had to take over the grant from the Department of Corrections too in order to get the extension that we sought. So there are many players that are obviously committed to seeing this succeed.

Alderman DeVries stated I don't know if you have any more to add.

County Attorney Wageling stated I don't know that I need to.

Alderman DeVries stated can I ask an additional question because certainly the Police Department is going to become part and parcel with this and your opinions we value. Since you've had some relationship with how it worked in 2004 and since you know very well that this Board, I think, close to unanimously if not unanimously voted against bringing that

federal halfway house to the City of Manchester because of the concerns we have as Alderman Shea so eloquently said helping our City get our current crime issues under control without bringing in a whole host of other issues and the feeling that the rest of the state has to start stepping up and helping Manchester and knowing that Nashua had somehow gotten out of the federal halfway house by saying they really didn't want it down there and they have no halfway facility it landed back in Manchester and appears to be still coming back to us so, Chief, tell us compared to 2004 how this is going to help us and not hurt us in Manchester if you can.

Chief Jaskolka stated first of all I'm not totally familiar with what happened in 2004. I know the program didn't work, I know we were in danger of losing the funds. I came into that committee late after my appointment to Chief. I wasn't involved in the initial phases of it but now as the County Attorney has said she has chosen some people who are very committed to this City, they're from the City, they want the program to work. The Attorney General wants the program to work...she the Attorney General took it back knowing that the program was going to work and knew that there was going to be a lot of people involved in it and they were all going to be committed to this program. I believe it's going to work because the services are going to be there for the parolees. They're coming back to Manchester it's been said five or six times. Are they coming back to Manchester some on supervised parole but they're not getting the services they need again the drug and alcohol counseling, the Voc Rehab, mental health counseling...there's a variety of different services that will be available to them and time and time again I've seen people parole out of prison and become good citizens and I'm not going to sit here and tell you that people aren't going to fail this program because they are. Some people are just more comfortable being in prison than they are in the streets. Those who want to make it are going to make it through the program and the program is going to be there to help them and that's why I believe the 2007 program this program is going to succeed.

Alderman DeVries stated and help you with the crime and violence issues that the City has.

Chief Jaskolka stated yes if we start reducing the re-offender rate that's going to help us greatly.

Alderman DeVries stated your Honor I have one final comment for you if I could because there was such a limited public session are we able to hear...I know that Siobhan had stayed to listen to this exchange and felt she had more. Are we possibly going to hear any more from her tonight...can we call on her?

Mayor Guinta replied I have no objection to that.

Alderman DeVries stated great so maybe after we hear our presentation before our vote we can extend her the courtesy of a little bit more time.

Mayor Guinta stated I have a question. Does anybody know the answer to this question. What is the percentage of people paroled in New Hampshire that come to Manchester?

Mr. McAllister replied I don't know percentage but we have the largest population of parolees coming in.

Mayor Guinta stated okay I guess my question would be the County Attorney and the Attorney General and the state certainly I think share and the City all share in the view that we'd like to keep our streets safe. I guess I would ask the State of New Hampshire to look at this from a different perspective. Rather than ask Manchester to not only do what it's currently doing and then do more why couldn't a program be put in place for the rest of the state to take more of the burden if we are taking more of the burden than we probably should be per capita basis. I mean Manchester's a great place, we're trying to clean up the streets, we're doing a great job. I don't know many people who really like the idea of inviting sexual and violent offenders back to the City. I understand the comment that they're going to come back anyway well I'd like to see something put in place that says enough. We'd like the State of New Hampshire to share some of the burden that Manchester has been feeling and I think that's some of the concern that we would like to express and then secondly I think we probably would have appreciated knowing about this in advance within the last week because as a Board of Mayor and Aldermen I understand that different departments were certainly involved. But I think a more formal notification process and an opinion from the policy makers of the Board would have certainly been appreciated and we could have taken some time to digest what's being suggested here. I personally believe that New Hampshire has to take a far more active role than it is in combating crime and the recidivism rates as part of that and I certainly...it's not an easy issue. But I think people in Manchester probably feel now look we probably are doing more than our fair share why is it that we have to continue to do that.

Attorney General Ayotte stated Mayor right now the way it exists these people who are coming already to your city obviously aren't getting this level of service and I share your concern that this is something that eventually statewide would be positive assuming that the statistics bear out as they have in other states. This federal money in 2007 is coming to Manchester to give these services especially to the parolees that were in this city and are going to be in this city. And so to the extent that we have this federal money that's available to give these services to people who are already in your city and can hopefully prevent some of them from committing other crimes in your city I hope that it does have some assistance to the city as opposed to putting a burden on the city that's not the goal of letting these federal dollars come to the city. It's really to provide a population that unfortunately is already here in your city and to the extent we have on the statewide basis at least a 50% recidivist rate in other words people that come out and commit additional crimes or other violations and end up back in prison. If we can prevent some of those in the city I hope that

it has and the goal would be...the reason why I have an interest in it is because to keep other people from committing additional crimes in the city who come out of prison and still have a drug and alcohol problem that hasn't been treated and they go out to steal to support that habit and so that's really the focus. I understand your concerns on a statewide level. I know the Department of Corrections had hoped that this could be extended on a statewide basis...these are federal dollars that are available right now for this city and who were directed towards this city in 2002 as well.

Alderman Roy stated I'd like to thank everyone for being here. My main concern...we're accepting federal funding for this...we've been at odds regarding the federal funding for the halfway house and it seems like in one hand we're saying give us our dollars to help us reduce recidivism but we're not allowing housing to come in and I don't want to see that part and parcel of any program to come up. That being said I'm going to ask the Chief a few questions regarding Manchester residency. Personally I think the \$600,000 or the \$1.4 million total grant could be much better spent just giving criminals that are arrested in the city with warrants from other places with no extradition tickets out of the city. I think we could spend it by moving our criminals away or back to where they were committing their crimes versus letting them get arrested here, go to Concord, come back to here as their main address. So, Chief, explain to me if someone gets arrested, doesn't own property, doesn't have family here but claims Manchester as their home. What is the procedure...when they come up for parole in two or three years is that just a notation on their record, is there...and I'll go to either end of the panel.

County Attorney Wageling stated I think it might be better...certainly I think that the chief can provide you with some details as to what they do when they're arrested but I think once they're processed through the Department of Corrections they might be able to provide you with an answer.

Alderman Roy stated that'll be fine...whoever wants to answer the question.

Mr. McAllister stated their address at the time of sentencing will be on their mitimus that they get sentenced to court with and then they come up for parole they meet with their case counselor, case manager and submit a proposed parole plan where they intend to reside and then that is presented to the Parole Board.

Alderman Roy stated so this very typically happens and again the Chief can either verify this or not...someone gets arrested in Manchester that's been here for a month and just shacking up on one of our city streets or homeless or in a flop house and uses that address...that goes in their file, they're now returned to Manchester.

County Attorney Wageling stated I guess my office comes in to play a little bit. We're the ones that develop the charging document and we rely in part on the information provided

through the arrest sheet. And, so if they're providing information at the time of their arrest that they live at a location on Pine Street then more than likely we're going to put that in the indictment and then that will end up on the paperwork that goes to the State Prison. But I would suggest to you that what happens once they're beginning to develop their case plan if all they had was the shell of an address they don't have appropriate ties to this community and as we're developing that plan and we're deciding where they're going to live and what family support and what family reunification will be part of that case management analysis...it will fall flat on its face. And again that would be my job through the people that I hire to ferret out those that have simply a shallow address an address that they have only used for a month and have no other ties to the community.

Alderman Roy stated that being said one of the requests and I thank the Attorney General for mentioning that Wil had had a law similar to the house bill that was proposed is anyone challenging the Dover law that you know of, that you're aware of?

Attorney General Ayotte replied my understanding is yes it's not just over with their I believe several other towns also that have enacted similar ordinances.

County Attorney Wageling interjected I think Pembroke did as well.

Attorney General Ayotte stated I know that there are challenges pending and my recollection is that Dover's included in that but the ACLU is the group that has challenged it.

Alderman Roy stated I would ask the Solicitor and I gave him a note while I was waiting to speak if he could draft something for discussion at our September meeting that would combine the Dover sex offender law 131-20 and the HB340 I think that would be well worth the discussion in September and if the Attorney General or the Hillsborough County Attorney would like to be here for that you're more than welcome.

Mayor Guinta stated that should go to committee though.

Alderman Roy stated committee or...

Mayor Guinta interjected because we're going refer Mr. Pepino's request to Public Safety so that would have to go through the committee process.

City Solicitor Clark stated you could either refer it to committee or I could draft something for Alderman Roy to submit to the Board.

Alderman Roy stated just one more.

Mayor Guinta interjected I know there's some people here and it's about quarter of nine and we've got a long agenda so I'd like to give Ms. Tautkus an opportunity to speak as well.

Alderman Roy stated I'll keep my statement brief. I just would like to see our chief law enforcement or Hillsborough County law enforcement and our Chief to do everything we can to keep Manchester who has provided all of these safety nets, all of the homeless shelters, all of the soup kitchens, all of the things that draw people to Manchester because they have the services....our MTA. We have the services and therefore we end up with these programs or people that are most likely to commit other crimes and I don't know if it's that our forefathers or the gentlemen and ladies that sat here before us did too good of a job providing services in Manchester but I'd like to see the burden spread. I agree 110% with the Mayor Manchester does more than it's fair share and I just think we have our arms too wide open without the resources locally to go ahead or the federal and state funding and I know everyone at that table does quite a bit for the City. We don't have the safety net in our enforcement that we do in our social services and I would ask for any help on that side as well.

Alderman Long stated this is probably for Mr. McAllister. Mr. McAllister if a felon from Massachusetts, any town in Massachusetts was in Concord their family moved to Manchester, they gave a good parole plan, they have a job when they get out, they have a place to live, they have their family there...would they be paroled to Manchester? Is it a possibility?

Mr. McAllister replied it's a possibility yes. Anybody coming out of the prison has family to go to that is a positive thing. There's a lot of people that have no one.

Alderman Long stated so they wouldn't be eligible for this project correct.

Mr. McAllister stated that's correct. If they weren't a resident of Manchester at the time they were committed to prison.

Alderman Long stated out of the 103 parole/probation offenders that we have currently do we know how many of these are sexual and/or violent offenders?

Mr. McAllister stated I don't have that off the top of my head.

Alderman Long stated just one more if I may. With respect to the Executive Board of the Hillsborough Delegation they have the authority to authorize this program for Manchester...does it go through the whole Delegation or is it just the Executive Board has that authorization to implement this just for Manchester.

County Attorney Wageling stated maybe it's looking at it from a different angle of that prism. They authorize me...not me personally but the County Attorney to accept the federal grant funding. So on behalf of the county it gets put into the county coffers in terms of money coming into the county and then they also authorize the development of positions pursuant to the job descriptions that were provided to them to fulfill and the project in an of itself to fulfill the goals and the mission of the project. But it's because they are county employees and solely because of that. And, again, we were replicating what had happened in 2004 because those were the conditions of the grant that allowed the money to originally come to the State of New Hampshire back in I guess 2002 when it was applied for and then 2004 when it was actually granted to the State of New Hampshire and then implemented in Manchester back then. I couldn't rework it in other words it was already set.

Attorney General Ayotte stated we were bound by that as well. What we did the Office of the Attorney General is take over the administration of the grant and ask for an extension. We didn't have the power to change the grant and the grant itself I know Alderman Roy raised the issue of could we use it to do other things. The grant itself is a specific grant that is focused on re-entry programs so the federal government said you've got to use it for this type of program or not use it or lose the money.

Alderman Long stated with reviewing the program that I received in my packet I'm not convinced that this will relieve our burden...I'm just not convinced of that. Thank you.

Alderman Gatsas stated Attorney General welcome to Manchester.

Attorney General Ayotte stated thank you Senator and Alderman Gatsas.

Alderman Gatsas stated certainly curiosity comes up and I thank Representative Vaillancourt for bringing it to our attention because certainly the rest of the documentation came forward. This did come before Fiscal...it was made to sound like it was something that the Attorney General's Office was going to administer, it was a program...\$2 million came in federal funds \$700,000 or \$600,000 was used in '04, the program failed, it sounded like there was a program that was coming back...it came back. I sat on that committee it wasn't made to be sounding like 103 people were coming to Manchester and it didn't sound as though when they said the County Attorney would be handling it it kind of sounded like it would be people at the County Jail that would be in this program...not sexual predators, not violent offenders that could be coming from anywhere and my understanding is now that I've looked into it that's why I asked you to come in because I would have thought that Manchester would have been made aware to say this is what we're doing because when we heard in Fiscal from Corrections it was a very casual conversation. I know the Attorney General wasn't there, Commissioner Wren made the presentation, however, I heard it again one other time in Senate Finance that it kind of made it sound like it the County Attorney was getting involved so I thought well it must be the people over on Valley Street that are going through

this program who some may consider violent offenders but I don't think that the violent offenders are there and we're not excluding and it's pretty clear in the letter that you sent that the re-entry project will not exclude sexual or violent offenders. Let's assume this program didn't exist for a second...where would those 103 people go?

County Attorney Wageling replied to Manchester.

Alderman Gatsas stated if the halfway houses were full where would they go?

County Attorney Wageling replied possibly and likely to be Manchester.

Alderman Gatsas stated or Concord because my understanding is hearing that the percentages...the majority come here, some go to Concord...nobody goes to Nashua.

Mr. McAllister replied yes they do. They're spread throughout the state...the largest majority are in Manchester parolees followed by Concord but the parolees basically are almost in every community throughout the state.

Alderman Gatsas stated but I guess with this program in place then the next 103 are coming directly to Manchester and there won't be a distribution...there is...I think there needs to be some clarity because it kind of sounds like Manchester's taking the brunt.

County Attorney Wageling stated I apologize if I'm lending confusion. I can't tell you what number is going to come here because I don't know who will be willing to participate in the program. I can only provide you with statistical information that is currently available to me. Right now incarcerated at the New Hampshire State Prison are inmates that are eligible for parole within the next 18 months. If I look at those individuals and then I cull out those that fit within the age range of 17 to 35 that provided an address of Manchester at the time of their incarceration we come up with 95. Now that doesn't mean that they're going to be eligible otherwise the first criteria that we need to look at is do they fit the age range and did they give Manchester as an address. Now once we look into that Manchester address we might find that another 20 of them simply were living at 199 Manchester Street and were homeless and had no tie to Manchester and many of them I'll tell you when we write those indictments that's the address that we provide. So that number could go down.

Alderman Gatsas asked where do we plan on housing this facility?

County Attorney Wageling replied the employees of Hillsborough County we have a couple of locations that we've looked at...one is on Pine Street and it's a facility currently owned by Odyssey House and the second facility is on Hanover Street and it's where Employment Security is housed and there's sufficient office space within both of those facilities. It is a detail that I am currently working out with the Attorney General's Office and the federal

government. But the project...that is the employee's of the project...the case managers, the part-time LADAC and mental health providers and the director and the assistant director...when and if they're hired depending upon the caseload we have would be housed at one of those two facilities.

Alderman Gatsas stated I have a real problem with the Hanover Street location because obviously if you have sexual predators there are an awful lot of kids going in with their parents into that building. So I have a real problem that.

County Attorney Wageling stated those individuals would be going into that facility anyhow as part of their parole obligation to get employment so they'd be working as part of their parole package with the Parole Officer to go into that facility.

Attorney General Ayotte stated if I may follow up Alderman Gatsas. A couple of points clarifying...as I think we've mentioned several times there are a hundred of these parolees already in Manchester and this program has the ability also to provide some services into people that are already here and give them services and the number of 95 are people who would be screened carefully that if there's indication that they wouldn't otherwise come here aren't going to get into this program. So they're not going to be housed anywhere, there's no halfway house involved with this and the federal grant wouldn't allow that. These are really just case managers to help these people with life skills and other things that they need. The office that County Attorney Wageling mentioned on Hanover Street is part of the Department of Employment Security and the Workforce Opportunity Council is out of that. When we looked at getting the extension for this grant we included a group...also included members of the Workforce Opportunity Council including Dick Anagnost who's very involved who is the Chairman of that Council and they were the ones that actually pointed out to us they're already coming to us for these employment services and so therefore to give the case managers space in that spot made some sense. So, of course, we'd be focused on making sure that there aren't any public safety issues with that but the people who are already seeking jobs that are on parole are already going into those centers as it exists right now. So, I just wanted to clarify that point.

Alderman Gatsas stated of the 23 people that were in the program initially how many of them ended up going back to prison?

Mr. McAllister replied I don't know that answer, Sir.

County Attorney Wageling stated I know they were listed at some point in the program but the program never got off the ground so even though their name might have been put on the roster as some point to the best of my knowledge since I was on the Advisory Committee for that project and people stopped going to meetings and so forth I don't honestly, Senator, I don't think I can tell you that they really participated in the program. I could certainly find

out what happened to those individuals if you'd like me to find that out for you but it never got off the ground is the bottom line.

Alderman O'Neil stated just a few comments. First of all I think the Attorney General just answered the question. This is not a parolee-housing program. Some of my colleagues are sitting here talking like we're creating this federal halfway house again...that's not what's happening here. These are people that are already coming to Manchester. Let me throw out this question to any one of you. Will any more or any less sexual offenders or violent offenders come to Manchester with this program?

Mr. McAllister replied no, Sir. Currently inmates in the prison submit a parole plan, the Parole Board either approves them for parole or doesn't and then the parole plan goes out for investigation by a Parole Officer who makes a recommendation to the Parole Board who then either approves it or denies it. This program is simply to serve people who would otherwise be coming here on parole anyway that meet the criteria of those outlined.

Alderman O'Neil asked Mr. McAllister can we classify this as a higher level of parole?

Ms. McAllister replied yes there will be additional case management.

Alderman O'Neil interjected more intense parole correct.

Mr. McAllister replied that's correct.

Alderman O'Neil stated I throw this out to any one of the four of you. I've heard this comment tonight. How will this program make Manchester unsafe? I know at least two of you live here.

County Attorney Wageling stated I don't know. I think it will only make it safer. In my humble opinion a benefit to this community. It should reduce recidivism. All things being equal if we compare ourselves to the national statistics available to us currently.

Alderman O'Neil asked Chief do you feel this will also make Manchester unsafe?

Chief Jaskolka replied again we're basing what we know on what we've learned from other jurisdictions/other states and the program has been very successful there. Again, I believe that the County Attorney has chosen some very dedicated local people who care about this City, who care about this program and they're going to do everything they can to make the program work and I believe that the recidivism rate will go down making our City safe as opposed to less safe with parolees coming in under just general supervision.

Alderman O'Neil stated I think as some of my colleagues have talked about is this going to create work for the police. I think what we've looked during the discussions about the federal halfway house and I think the department provided information on the Lowell Street facility...there are others I'm sure...we even looked at YDC...when we saw the calls there for the Police Department were minimal. So this is not going to create more work for the Police Department. If anything it might create less work for them.

Attorney General Ayotte stated I also wanted to add I wouldn't have supported this if I thought it was going to add to any of the additional issues that this City has to deal with with respect to crime. It just would be something that I would support as Attorney General anywhere because of my role.

Alderman Osborne stated just going back a little bit. The Mayor asked you a question about when the money runs out...I didn't catch the answer I don't think. What happens when that \$1.4 or whatever runs out?

County Attorney Wageling replied frankly I think it would be back in the state's lap what they want to do with the project because with my involvement with it will end. The federal money...at this point they've told us that that's the drop dead date in terms of their providing on-going funds to us. So if we haven't used all of the \$1.4 million the money would dry up as of March of 2009. The project funding from the federal government will end. That doesn't mean the project will end. It simply means that the federal funding would end and that would mean that the money coming into the county to fund these employees and the program in and of itself so my involvement will end but I am very hopeful that the State of New Hampshire will not only pick up the program for the Manchester area but then will enlarge it to encompass other jurisdictions.

Alderman Osborne stated the people out there just for their sake do you think...I've lived in Manchester all of my lives (67 years) I consider myself from Manchester okay. So when you say I know we've discussed this already saying that their last known address was Manchester...automatically this means that they come automatically back to Manchester or it might be the Soup Kitchen address or whatever it might be. Of course, I don't think it's fair either. I think that's a no-no. I think the easier you try and make it for people and the more you support them in an aspect I think it just makes it easier and easier and easier and it seems like we're going to be getting the brunt of everything all the time in this City...that's the way I feel having lived here all my life. So isn't there some sort of a time or something that if somebody lives in Manchester when it comes to parolees and things such as that they have to live in a particular area for three years or five years or seven...whatever it might be. Why can't we have some sort of a line like that...a timeline.

County Attorney Wageling stated I can't tell you that there will be a litmus test but it would be more than simply providing an address in Manchester. We will be researching whether or

not they really have ties to the community. So it isn't as simple as them having an address. We provided you those numbers just so you could see what the highest number would be. If all of those individuals have significant ties to Manchester then the Parole Board would likely, if they're asked to, they would like to be paroled into Manchester. But simply because they've given an address of Manchester at the time of their arrest doesn't mean that coming back here and it certainly doesn't mean that they'd be eligible for the program. We provided you that number so that you'd have a sense of the outer most number that we're talking about but it doesn't mean that they'll be found eligible and I think your point is well taken.

Alderman Osborne stated just one more quickie, your Honor. We couldn't get a percentage before because you didn't have it but what's the national average of people going back to prison once they're let out?

County Attorney Wageling replied 67% of recidivism and I believe I have that on the last page...50% returning to jail within three years and if you look at those statistics they go on further to say that very frequently it occurs within the first three months but they did a window of the three years when they analyzed it...the highest percentage within that 3-year period is the first three months.

Alderman Shea stated having worked at YDC for five years and having worked at the State Hospital I was taken aback by the fact that 17 year olds are being involved in your program...that being said someone mentioned tonight that the structure and I know I've written proposals and conducted different types of research that the way that it's set up there is very little attention being given to both drug and alcohol counseling. In other words the main thrust of people getting into trouble whether they're sexual perverts or whether they have other crimes is because they have engaged in either drug involvement which liquor is a part of and obviously perpetrate their crimes. So in designing the program why wasn't more attention given to additional counseling on the part of these particular individuals coming back and my second question is in terms of feedback the community of Manchester is going to be involved in this but who is going to provide accountability in terms of how the program is progressing. In other words the people who are running the program are responsible to whom and what kind of a role are they going to play in terms of notifying us?

County Attorney Wageling stated two very good questions. It is the intent of the project from its onset in 2002 and continuing that inmates would be availing themselves of services within the community and so the LADAC and the mental health part-time employees that I've contemplated were not even part of the original program because what's suppose to happen is that these inmates are supposed to be availing themselves of services within the community. But when you look at statistics again I hate to rely only on statistics but about 85% of people that come out of the State Prison appear to have either a drug and alcohol or a mental health problem and so because I thought it was so critical we put people in my plan

on staff so I'm heightening the attention given to those relative to the case management and the team assessment and then counseling that we would be providing to inmates when they get out. It's exactly the opposite. The minute they hit the ground running once they're out they'll have people available to them to provide those services before they've been able to develop connections into the community and so again the population we're talking about at the highest end should be no more than 100 and having part-time employees they can't work I think than 31 hours for the county then they would be considered full-time so in and around 31 hours a week is what they would be working as an employee of this program. They can also be providing services as outside providers to this very population outside of services they provide as part of the program and then your second question is in terms of what we're going to do for record keeping...a very good question. We want this to be an evidenced-based program. It is critical that we change and re-implement dependent upon what we're finding out. Now I'm going to be involved with it for a reasonably short window of time but we're going to put in place and we've got people lined up with the Department of Corrections to assist us in that. We're going to keep every kind of statistic we can on each of these inmates so that we can where we should go and where we shouldn't go providing additional services if they are re-offending under what context are they re-offending so that we can improve and only better the program as it goes down its path.

Alderman Shea asked will we get a report or some kind of event?

County Attorney Wageling replied sure if you'd like one sure, of course.

Alderman Shea stated so you'll give it to the Mayor and then he will distribute.

County Attorney Wageling stated sure.

Attorney General Ayotte stated I would agree I would be happy to participate and that's important as well to have the statistics and I've been asked to report back likewise to the Governor and Council on these issues so we'll prepare a report that of course goes to all of you as well.

Alderman Lopez stated I know that Alderman Roy mentioned about an ordinance in September, which I support. If this Board were to take an official vote would that be notification too that we do not desire any of these people to live near a school, playground, church and take that back to the parole people and tell them. I'd like to make that a motion, your Honor, that as a minimum prevent sex offenders from living near places where children gather including schools, playgrounds, child care centers, churches and libraries.

Alderman Shea duly seconded the motion.

Alderman Duval stated just briefly coming in the topic as we all know is very unsettling and can be unnerving and cause quite a stir. I just want to say that I'm thoroughly impressed and genuinely impressed with your presentation tonight, County Attorney and I know as being a person with deep roots in Manchester I know that you have our best interest at heart and I think people should be reassured by your presentation tonight. I'm just very impressed on how thorough it was and it should be no secret by the end of this presentation why the Attorney General called on you to take care of this...very impressive and it gives us a lot certainly to consider but it is a lot more reassuring hearing from you.

Mayor Guinta stated I think there are some questions of Siobhan Tautkus, which I said I would allow.

County Attorney Wageling stated if I could speak to it just briefly...maybe Mr. McAllister...I'm going to mimic what he would tell you but it's my understanding that the Parole Board has that as conditions already but certainly you all do as you deem appropriate but I wanted you to know that that is something that's already taken into consideration by the Parole Board.

Mr. McAllister stated if I can just say when sex offenders are paroled currently the Parole Officer investigates their plan and they're not allowed to live in proximity to playgrounds, schools or parks. I will also tell you though quite frankly I was a Parole Officer for 12 years in Concord, I'll be very brief...many of the areas there there's not any particular street where one could not make a reasonable argument that is too close to something so it's a very difficult and challenging issue but I will assure you that any sex offender that's currently under parole supervision is not living in proximity to any kind of playground or school or park...it's not allowed by the Parole Officer.

Alderman Roy stated thank you, Mayor for giving me the chance to just quickly rebut this and I would ask everyone out there there's a great website familywatchdog.us and I've got 219 little red dots on my computer right now...33 non-mapable offenders which the Chief of Police find them but some of them when I look at the whole City of Manchester are actually on sharing the same space as the school underneath them.

County Attorney Wageling interjected Alderman Roy they might not be on parole, however, that's the problem with that website.

Alderman Roy stated I guess that's where Alderman Lopez and myself and some of the other speakers...the Dover law is anyone registered 2,500 feet and I again thank you for bringing that up and having the ability to look at the Dover law and I would love to see our Solicitor fight that with your help years from now but when I look at this if that had been in place there wouldn't be people living within 300 and 400 feet of schools and playgrounds and other mapable areas where children go to. If we can have a law on our books that keeps

adult entertainment 800 feet from those same establishments we should have the same rights to add something that limits proven offenders that have to register for life from those same establishments. So we do have offenders within very close proximity's of many schools and many playgrounds.

Alderman Forest stated Attorney Wageling I'm not going to put you on the spot by putting names and all but the person I talked to you about this morning is that person on parole or not?

County Attorney Wageling replied not. And, I have the information for you.

Mayor Guinta stated thank you all very much for coming we appreciate it.

County Attorney Wageling stated thank you for having us we really appreciate this opportunity.

Attorney General Ayotte stated thank you very much we appreciate it.

Alderman O'Neil asked are we taking some action on this?

Alderman Lopez interjected we have a motion on the floor.

Alderman O'Neil stated over and above Alderman Lopez's motion.

Mayor Guinta stated there is no authority that the Board of Mayor and Aldermen have regarding this decision...that doesn't mean we can't take any action if we want to support or oppose from a policy standpoint but there is no required action. This program as it stands today is coming to Manchester because the County Delegation has voted for those dollars. It doesn't mean that we can't take an action but our action is not binding. It would be more of a position.

Alderman Lopez stated I would move my motion so they would be informed of our intention.

Mayor Guinta called for a vote on the motion.

Alderman Osborne stated what was the motion I was absent for a minute.

Mayor Guinta stated if the Clerk would read the motion please.

Deputy Clerk Normand stated I believe the motion was that all registered sex offenders must be outside of 2,500 feet from all schools, playgrounds, parks, libraries and churches.

Alderman Lopez stated no I didn't say that...prohibit sex offenders from moving near places where children gather including schools, playgrounds, childcare centers, churches and libraries to notify the Attorney General and the Hillsborough County Attorney.

Mayor Guinta stated that was seconded by Alderman Shea.

Alderman Osborne stated couldn't this be brought to Committee on Public Safety or something.

Mayor Guinta stated this is to vote to notify the Parole Board is that correct.

Alderman Lopez stated that is correct.

Alderman Smith asked what happens if a person moves and he's paroled and he's a sex offender and he moves next to my house and I have children? Is thing going to jeopardize the parole...what's the situation...you're saying churches and that but he could live right next to me? All they do is authorize and they notify you and that's all they do and they keep tabs on you but he can live next to me is that correct.

County Attorney Wageling stated that is correct.

Roll call vote taken at the request of Alderman DeVries. Aldermen DeVries, Garrity, Smith, Roy, Gatsas, Long, Duval, Osborne, Pinard, O'Neil, Lopez and Shea voted yea. Alderman Forest voted nay. Alderman Thibault was absent.

Alderman DeVries stated I didn't know if the County Attorney and Attorney General wanted to stay because I intend if no other Alderman does to ask for some sort of a vote at the end. I'd like to hear from Siobhan Tautkus before but I'd like them to hear how the sentiments of the Board when we finally have some sort of a vote. I know it's getting late but we haven't even started our Consent Agenda...we're just getting started.

Mayor Guinta recessed the meeting for a five-minute break.

Mayor Guinta called the meeting back to order. If we could please have Ms. Siobhan Tautkus come forward.

Ms. Tautkus stated thank you your Honor and thank you Alderman DeVries for having me back and although I'm not sure how much sense it makes to continue the debate if there isn't anything you could do. I was hoping that in coming here tonight to ask the Board of Mayor and Aldermen to at the very least while I believe that we can't reject these funds that it could be your place at the stewards of this community to ask that this grant be implemented in

another community but while our County Attorney has control of these funds that they could, in fact, implement them elsewhere. While I do have a great deal of respect for the four people who were sitting here previously I do disagree on a number of points. One of them being that prior to coming here this evening I had quite a long conversation with one of my former colleagues from the Parole Board, a very senior member there and I asked him about this program and he said that while they plan to take control of a potential parolee six months prior to their parole that it made no sense for them to put conditions on parole, potential parolee that would require them to go to the halfway house that in fact they would parole them directly to the program with their conditions of parole, therefore, that would open up 100 beds in the halfway house in Manchester. So, in fact, where they don't believe that that would have an impact on the City and the Chief doesn't believe that that would impact him it most assuredly will impact the City of Manchester because that's 100 more people that would be coming here faster...you're increasing the percentages and therefore increasing the percentages of crime and so on and so on it's that domino effect because there are more than 150 people waiting for halfway house beds. There's a great deal of pressure on that prison system and they would be more than happy to save those dollars in their budget by unloading those people into this federal program as opposed to keeping them on the state budget. So they would see no need to put them into a halfway house bed. In terms of the Chief's belief that people are not getting services while on parole he may indeed be correct. The quote in the paper was that under this new program that parolees would be able to access drug and alcohol treatment, mental health, employment, housing, life skills and other training services that are already available in the community. This program is not providing those services. They believe that they can access those programs already available in our community. The problem is that while some of these programs are conditions of parole parolees rather than criminals are not afforded jobs that come with insurance so they cannot afford mental health counseling, they cannot afford drug and alcohol treatment and while there is a shortage of those providers in our community it doesn't matter because they can't afford those services. So what we do normally is to require them to go to programs like AA three, four, five times a week...that's it. So the programs that these people think that they're going to refer them to they can't afford and they are not planning on providing them because according to the information that our County Attorney provided me her part-time counselors are going to be assessing these inmates for what their needs might be which the department already does and that's the information they provide the Parole Board when they set the conditions of parole. So there's a dual function there and two part-time people can't possibly provide the services that are required for 100 parolees. In terms of the Mayor's question...the percentage of parolees that come here and the sex offenders and so forth the percentage of parolees...we do get the highest percentage of parolees...we have the two halfway house beds and Concord has the other halfway house so those are the three in the state. You can't possibly tell me that every single sex offender in this state came from Manchester...they don't all come from Manchester, they all don't have a Manchester address and here they are. But those are the people that are going to come through this program. In terms of the success that other states are having I have to question that data because according to the information provided to me

by the County Attorney this program tracks people for one year. The data that's provided in the paper was a 3-year statistic for recidivism, a 3-year statistic. So I have to believe all things being equal with this federal grant what this success or the theoretical success that these other states are finding is based on one year worth of data...that's not enough to go on and we have no idea what they consider success. What does success mean? People haven't been arrested within that one-year period of time. What about the other two years? It reminds me of the time when I worked for Governor Merrill and I was asked to investigate these needle exchange programs. We were told of all the success...we had to have that here in the State of New Hampshire because of all of the success communities were having fighting the AIDS epidemic by providing clean needles. So I called four of the other states that were having amazing success distributing clean needles and I asked them I hear you're having great success...oh yes we love it, it's great...all four in unison said it's great, we love it, it's widely successful. And I asked them could you define that for me...what does that mean. They said to me what do you mean. I said well what standard did you put in place to define success. Well we were asked to distribute needles. I said is that the only standard you used...yes...that was the grant we had and that's what we did. So I said you distribute what...in one case we distribute 200,000 clean needles a month and that's what we were asked to do. So I said you never measured whether you reduced the AIDS virus in your community. No we never got the money to do that. And with that they publish reports saying that it was widely successful and with that our Legislature and every legislature around the country was debating having a needle exchange program based on the wide success that other communities were having. So I ask you please there's got to be something that this community can do to ask that we not move forward with this program in our community. We've already accepted the funds, there's staff is bureaucracy of people to oversee a program to monitor on top of the Parole Officers a population of people that's fine...I applaud their enthusiasm, that's great but can't they monitor them or recommend to them because again these are people with very little ambition, very little motivation and if they went to them in prisons six months before they got out and said we've got this great program, we've got the money, the counseling and the housing would you like to go to Portsmouth I can tell you 100% of the time they'd say sure I'll go there. Why can't they do that? Would you like to go to Salem? Could we set you up with a family member in Keene? But instead they want to say well it looks like you've got a cousin in Manchester would you like to go there...yeah, I'll go there because that's about as much thought as any of these people put into their future...that's it. Want to live in Manchester...yeah, I think I've got a kid there...that's it. There's no big draw except that's where they go arrested and that's where they might have a friend or a relative or they may have a mother, a cousin or who knows. There's not like a huge, huge family network nine times out of ten. But if the suggestion, just a suggestion were made by this group to say hey can we set you up for a new life that may make a positive impact someplace else it might make a difference and I would ask you please, please to see if it's not a possibility within your power and I have to believe that it is as the stewards of this community to try and have some control over this. Thank you very much.

Alderman DeVries moved to request the County Attorney to look for ways to redirect the dollars and allocate them to another project in another community rather than the City of Manchester. Alderman Shea duly seconded the motion.

Alderman O'Neil stated your Honor I try to live in the real world in my life and the real world is people are coming to Manchester whether this program exists or not they're coming to Manchester. We had this discussion with the Federal Probation and Parole people...they told us exactly that, they're coming to Manchester. So I look at this program as putting them in a very high-level specialized parole program. They're coming here anyway why not have them at a higher level of supervision with some support services. We've heard from the highest law enforcement office in the State of New Hampshire the Attorney General who unfortunately spends more time in Manchester because of the challenges we have than she'd like to. We heard from the County Attorney who in her district has the two largest cities in the state. We've heard from our Police Chief and they were all consistent it's not going to bring any more people, it's not going to bring any less people and it does not make Manchester any more unsafe. Those three people strongly, strongly support this program and I will vote against Alderman DeVries' motion. Let's live in the real world folks, not the make believe world that they're not going to come here.

Alderman Gatsas stated correct me if I'm wrong when I remember taking a look at the federal funds are they earmarked directly for Manchester.

County Attorney Wageling replied yes.

Alderman Gatsas stated that project when it originally came out in 2002 was designated for Manchester. That project has already been here. So it's not like you can say move it to Keene.

County Attorney Wageling stated I have no discretion. I must make that absolutely clear. The money is either coming here or it's going back to the federal government and won't come to New Hampshire at all. So I just wanted to make that very clear. I have no discretion. I cannot do as Ms. Tautkus has suggested. I have no discretion.

Attorney General Ayotte stated I don't either. It came here as a 2002 grant to Manchester and the grant is for Manchester. There is no ability to change it and get it to go somewhere else in the state. So what we have is a grant for Manchester and to my knowledge I don't have any discretion whatsoever to change that.

Alderman Lopez stated clarification. If you turn the grant money back in are these people still coming?

County Attorney Wageling replied yes without any services that would be provided to them as Alderman O'Neil suggested...even more scrutiny over what they're doing yes that's exactly right.

Alderman Osborne stated I just had a question...where do we stand here we're going back and forth with this. Do we have any discretion over what we can or can't do...she says we can't so what are we doing here.

City Solicitor Clark stated this is a county program administered through the Attorney General's office. We can't veto it, we can't stop it.

Alderman Osborne stated so what are we trying to fight here. A lot of us don't like it I'm sure.

Alderman Duval stated I'm just one Alderman on this Board. I have to rely on those people that have a tremendous amount of knowledge and information pertaining to the matter at hand. We've been given a recommendation as Alderman O'Neil pointed out by these professionals and at least one of them is elected by the same body of voters that we are and their judgment and I think look to them for the best recommendation for our community. It's going forward whether we take a position or not and I think it is a little bit foolish quite frankly for us to think we can adopt some resolution tonight that's going to make a whole lot of difference. Again, I think it's one tool by all accounts it is going to provide services that I think are essential to our community and it could be a better thing when it's all said and done. So I will vote against the motion at present.

Alderman DeVries stated I understand that several of my colleagues are uncomfortable with the vote. I also understand that this appears to be coming to Manchester no matter how we vote but I think it's important that we as elected officials let our constituents know that we continue to do everything we can in our best judgment to try to make Manchester less of a magnet for some of the things that in our opinion have driven our crime rate up or made it more difficult for our police and I think we've heard even from the very responsible people that have authored this and I think you have done great work that yes our homeless shelter...199 Manchester Street is frequently used as the address in your indictments. These sort of services have helped and hurt the City of Manchester because they make us a magnet to the surrounding communities or through others in the state or from out of state. Your Honor, I think you said it yourself...at some point the rest of the State of New Hampshire has to step up, has to share the burden and maybe take some of Manchester's residents that are being re-entered back into a workable situation into their community rather than always sending everything back to Manchester. We'll likely have that federal halfway house coming back whether we voted against it or for it and we almost unanimously voted against that, we fought to keep the federal halfway house...it appears to be coming back to Manchester. So it's not going to get any easier for the residents. This I think is an important

message, it's nothing more than a message to our constituencies but one that I believe I want to take so with that being said I'll call the vote and ask for a roll call. Would you reiterate the motion to make sure that everybody understands before they vote.

Deputy City Clerk Johnson stated I have it recorded as the Board asking the County Attorney to look for way to redirect the funds to another community or the program to another community.

Roll call vote was taken. Aldermen DeVries, Garrity, Gatsas, Long, Osborne, Lopez and Shea voted yea. Aldermen Smith, Forest, Roy, Duval, Pinard and O'Neil voted nay. Alderman Thibault was absent. The motion carried.

Mayor Guinta stated thank you all very much for attending again, thank you.

11. Request of Alderman Gatsas that Superintendent Ludwell or Ms. DeFrancis attend the meeting to discuss whether or not the School District has considered placing their health insurance benefits out to bid.

Mayor Guinta stated there has been a communication from the Business Administrator at the School District stating that she and the Superintendent are not available for this evening, however, that they do have an intention of putting the health insurance out to bid for fiscal year 2009. I would defer to Alderman Gatsas.

Alderman Gatsas moved to table so that they can come in and tell us why they don't want to do it sooner because obviously the City saved somewhere close to \$2 million. There's no reason why it shouldn't be done now to save the taxpayers at the School side.

Alderman Osborne duly seconded the motion. The motion carried with Alderman O'Neil duly recorded in opposition.

CONSENT AGENDA

Mayor Guinta advised if you desire to remove any of the following items from the Consent Agenda, please so indicate. If none of the items are to be removed, one motion only will be taken at the conclusion of the presentation.

Ratify and Confirm Polls Conducted

- A. On July 16-17, 2007 approving transfer of \$342,000 from the Special Revenue Reserve Account to the FY2008 CIP 511708 Piscataquog River Park Flood Damage – Phase 2 Project.
- B. On July 25, 2007 authorizing Planning to proceed with acceptance and expenditure of funds in the amount of \$29,000 for the FY2008 CIP 610208 Neighborhood Pride – Cleanstreets Program.

Accept BMA Minutes

- C. Minutes of meetings of the Board of Mayor and Aldermen held on March 6, 2007 (two meetings); March 20, 2007 (two meetings); March 29, 2007 (one meeting); and April 3, 2007 (two meetings).

Pole Petitions—Approve under the supervision of the Department of Highways

- D. PSNH Pole Petition #11-1163 located on Lodge Street;
PSNH Pole Petition #11-1164 located on Union Street; and
PSNH Pole Petition #11-1165 located on Corey Place.

Informational – to be Received and Filed

- F. Minutes of the Mayor's Utility Coordinating Committee meeting held on June 20, 2007.
- G. Minutes of the MTA Commission meeting held on May 29, 2007 and the Financial and Ridership Reports for May 2007.
- H. Communication from the State of NHDES advising that public hearings will be held regarding the State Water Pollution Control Revolving Loan Fund and State Water Pollution Control Grant Program on Thursday, August 9, 2007 in Rooms 113 & 114 of the Health and Human Services Building at 29 Hazen Drive.
- I. Communications from the State of NHDES advising of their completeness review of the standard permit application for the NEWCOR Solid Waste Recycling Facility in Manchester and requesting a hearing location in Manchester be identified.

Alderman Roy stated I'll ask the Clerk...Item I has a request for location. Has that been identified or should that be pulled from the table?

Mayor Guinta stated it's not the City...it's the engineer correct who dictates that. I think it should happen here at City Hall. We can send a letter to the engineer stating that but it's not the City itself as I understand it that selects the location but we can make the recommendation that it's here at City Hall.

- J. Communication from the NH State Library advising that the Madison Library has been awarded a Conservation License Plate Grant for FY07/08 in the amount of \$7,492, to be used for the School Committee Records of the Town/City of Manchester, 1824-1876.
- K. Communication from Comcast advising of pricing changes effective September 3, 2007 for the service portion of the Standard Definition and High Definition DVR (Digital Voice Recorder) service.
- M. Communication from Leo Pepino and Keith Hirschmann requesting all candidates take the Pledge Not to Raise City Taxes.

REFERRALS TO COMMITTEES

COMMITTEE ON FINANCE

N. Resolutions:

“Amending the FY2007 Community Improvement Program, authorizing and appropriating funds in the amount of Seven Thousand Dollars (\$7,000) for the FY2007 CIP 210107 Homeless Healthcare Program.”

“Amending the FY2007 Community Improvement Program, authorizing and appropriating funds in the amount of Two Thousand Dollars (\$2,000) for the FY2007 CIP 214007 Southern NH Area Health Education Center Program.”

“Amending the FY2008 Community Improvement Program, authorizing and appropriating funds in the amount of Three Hundred Forty Two Thousand Dollars (\$342,000) for the 2008 CIP 511708 Piscataquog River Park Flood Damage Remediation – Phase 2 Project.”

“Amending the FY2008 Community Improvement Program, authorizing and appropriating funds in the amount of Twenty Nine Thousand Dollars (\$29,000) for the FY2008 CIP 610208 Neighborhood Pride – Cleanstreets Program.”

REPORTS OF COMMITTEES

COMMITTEE ON COMMUNITY IMPROVEMENT

- O.** Recommending that acceptance and expenditure of funds for various projects outlined below:
- | | | |
|--------|---|-----------|
| 210107 | Homeless Healthcare Program | \$7,000 |
| 214007 | Southern NH area Health Education Center Program | \$2,000 |
| 511708 | Piscataquog River Park Flood Damage Remediation – Phase 2 Project | \$342,000 |
- be granted and approved and for such purpose amending resolutions and budget authorizations have been submitted.
(Unanimous vote with the exception of Aldermen Duval and O’Neil who were absent.)
- P.** Recommending that with regard to a petition for the release and discharge of a portion of Pine Ridge Avenue, the Board find that the subject area of the petition having never been opened, built, nor used for public travel be released and discharged pursuant to RSA 231:51.
(Unanimous vote with the exception of Aldermen Duval and O’Neil who were absent.)
- Q.** Recommending that a petition for discontinuance of North Turner Street be referred to a Road Hearing on a date to be set by the City Clerk. The Committee further recommends since there has been no evidence that Verney Street exists, that this portion of the petition relating to North Turner Street and Verney Street be received and filed.
(Unanimous vote with the exception of Aldermen Duval and O’Neil who were absent.)
- R.** Recommending that a request for sewer abatement at 172 W. Shore Avenue be granted and approved in the amount of \$148.50 as recommended by EPD.
(Unanimous vote with the exception of Aldermen Duval and O’Neil who were absent.)

- S.** Advising that it has approved a request of the Highway Department for the reassignment of a “recycled” police cruiser for use by the Solid Waste Compliance Officer.
(Unanimous vote with the exception of Aldermen Duval and O’Neil who were absent.)
- T.** Advising that it has approved a request of the Police Department to donate a 1982 Commando Ranger Personnel Carrier (SWAT) vehicle to the City of Concord Police Department.
(Unanimous vote with the exception of Alderman O’Neil who was absent.)

COMMITTEE ON PUBLIC SAFETY, HEALTH AND TRAFFIC

- U.** Advising that it has approved a detour plan during the replacement of the Island Pond Road bridges over I-93 and further recommends that the Mayor be authorized to execute a related agreement for and on behalf of the City as enclosed herein.
(Unanimous vote)

HAVING READ THE CONSENT AGENDA, ON MOTION OF ALDERMAN O’NEIL, DULY SECONDED BY ALDERMAN DEVRIES, IT WAS VOTED THAT THE CONSENT AGENDA BE APPROVED.

- E.** Manchester Economic Development Office Quarterly Report for period ending June 30, 2007.

Alderman Shea asked Jay could you come up for a moment...Jay you did give a very comprehensive report concerning Economic Development, very detailed and I thank you for that. Could you comment for the general public about the possible benefits that the website has garnered.

Mr. Jay Minkarah, Economic Development Director, stated as I think most of you know we were able to launch our new marketing campaign earlier this month at a Fisher Cats game. One of the key components of that is the new website, which is specifically for the Economic Development Department that’s actually yourmanchesternh.com. I hope you’ve all had a chance to take a look at the website but we really are excited about it. It’s a new image for the City. We’ve gone through a lot of work to kind of brand the campaign appropriately for who we’re targeting in terms of marketing and we have already heard some very, very good feedback who have been out there seeing it. In fact just today I was speaking with a consultant out of San Francisco who is marketing web based programs around the country and they’ve actually been using our website as an example. So we do expect to see a lot of positive feedback not just anecdotally we are intending to track it. The website is designed so that we can attract not just hits but we can also track where they’re coming from, how they’re being directed to our site. So we do expect that it’s going to be very successful. We

are going to be monitoring it and we will, of course, reporting back to you what the results are.

Alderman Shea stated my final question is I was taken back by the fact that the City will receive \$50,000 of the MDC's investment income for the year at it's annual appropriation and you mentioned to me earlier this evening that that does go into the general fund is that correct.

Mr. Minkarah replied that is my understand yes.

Alderman Shea stated I wasn't aware of that. Thank you.

Alderman Lopez stated in reference to the JacPac site could you follow it up and give some specific dates that things are going to follow through here. If you don't have them with you tonight that's fine you can just send them to the full Board of what's going to happen, how long it's going to be before the closing takes place and everything else. I know some things have to be done down there before but could you put a timeframe because I want to make sure that we get that money before next year...that's the issue there. In reference to Hackett Hill...I think there again there's a long delay here. I've spoken to you on this. Can you give us an official position as to whether it should be where it's at or would you prefer as the Economic Development Director to have it in your office?

Mr. Minkarah stated I hesitate to give a position as this point. We share the concern that this project has taken a long time to move forward. We are in communication with the Manchester Housing and Redevelopment Authority which does have jurisdiction over this project. Currently they're moving the first phase of that through the Planning Board approval process. They've received conditional approval from the Planning Board...there are outstanding permitting issues. We intend to work with MHRA and any party who were involved in this in moving that forward as expeditiously as possible and we're happy to do that in whatever capacity I think that this Board feels is appropriate. Through the Mayor's office we are scheduling a meeting with MHRA within hopefully the coming week so that we can get an update on exactly where the project is and what's happening in the future. But I think it would be our position at this point that we're very anxious to see it move forward, we think it's very, very important to the City. This is one of the most significant development opportunities we have to attract industrial development especially research and development oriented firms to the City that we think it is a very important project, it should be a top priority when it comes to building our tax base and bringing jobs into the City and we would be very happy to work in whatever capacity as aggressively as possible to move that project forward.

Alderman Lopez stated in reference to the \$467,000 for road...defining the road you're talking about in that particular area...is it at the park itself, going up to the park?

Mr. Minkarah stated you mean in reference to the improvements that need to be made.

Alderman Lopez stated you indicate here there's \$467,000 in the money we received from leases about \$7,000 a month. The funds are intended to just support the business park. Does it support the business park or the road at the business park?

Mr. Minkarah stated it's my understanding in discussions with MHRA staff that they're anticipating approximately \$3 million in infrastructure improvements that will be necessary for the park...that includes roads, it includes utilities as well and I believe Planning may be able to clarify more that some of that work is on-site and some of that will be off-site.

Alderman Lopez stated maybe you can refresh our memories it's been a long time since we dug that information out. One last one...that's the Rehabilitation of Tax Incentives...we have eight months...when we were first presented this program there were people out there, they loved this program...we don't have one applicant.

Mr. Minkarah stated that's correct.

Alderman Lopez asked should we expand the program to the west side or beyond the Central Business District?

Mr. Minkarah stated I think if permissible we would be very interested in expanding the program to the west side and to some of the other neighborhood business areas that we think it would be very appropriate for. I think the lack of interest to some extent generally though is really a lack of marketing and I think that on our part we could definitely be doing a better job of getting the word out there that this program exists. We got the application forms done probably at this point I think four months ago but I do think that we would see more interest if we got the word out there more and yes I believe that if we can find a way to expand the program to neighborhood businesses I think it would get a lot more use.

Alderman Lopez stated just to point out when it was brought to us there were people waiting. We had all of this money to give them so would you look into that program a little bit deeper and see what we can do to maybe expand it maybe to the west side or south side...it doesn't make any difference...who wants it...we want to help the businesses.

Mr. Minkarah stated yes.

Alderman Shea moved that the Economic Development Office quarterly Report be received and filed. Alderman Osborne duly seconded the motion. There being none opposed, the motion carried.

- L.** Communication from Leo Pepino regarding adoption of an ordinance relating to the sex offender law.

Alderman Osborne moved that Item L be referred to the Committee on Public Safety, Health and Traffic. Alderman Duval duly seconded the motion. There being none opposed, the motion carried.

- 13.** Mayor Guinta presented the following nominations pursuant to Section 3.14(b) of the City Charter.

Safety Review Board

Bruce Thomas to fill a vacancy as the management representative, term to expire July 7, 2010.

Board of Health

Laura Smith Emmick, MD to succeed herself, term to expire July 1, 2010;
M. Mary Mongan to succeed herself, term to expire July 1, 2010.

Planning Board

Michael Landry to succeed David Eaton (resignation), term to expire May 1, 2010;
John “Jack” Brady to succeed Michael Landry as an alternate member, term to expire May 1, 2010.

Revolving Loan Fund

Stephen Patterson, Esq. to fill a vacancy, term to expire June 1, 2010;
Ovide M. Lamontagne, Esq. to fill a vacancy, term to expire June 1, 2010/

Mayor Guinta stated these nominations will layover to the next meeting of the Board pursuant to Rule 20 of the Board.

Board of Health confirmations

Alderman Forest moved to suspend the rules and confirm the nominations of Laura Smith Emmick, MD and M. Mary Mongan to succeed themselves as members of the Board of Health, terms to expire July 1, 2010. Alderman DeVries duly seconded the motion. There being none opposed, the motion carried.

Planning Board confirmation

Alderman Roy moved to suspend the rules and confirm the nomination of Michael Landry to succeed David Eaton (resignation) as a member of the Planning Board, term to expire May 1, 2010. Alderman Long duly seconded the motion. There being none opposed, the motion carried.

On motion of Alderman Osborne, duly seconded by Alderman Roy, it was voted to recess the regular meeting to allow the Committee on Finance to meet.

Mayor Guinta called the meeting back to order.

- 16.** A report of the Committee on Finance was presented recommending that Resolutions:

“Amending the FY2007 Community Improvement Program, authorizing and appropriating funds in the amount of Seven Thousand Dollars (\$7,000) for the FY2007 CIP 210107 Homeless Healthcare Program.”

“Amending the FY2007 Community Improvement Program, authorizing and appropriating funds in the amount of Two Thousand Dollars (\$2,000) for the FY2007 CIP 214007 Southern NH Area Health Education Center Program.”

“Amending the FY2008 Community Improvement Program, authorizing and appropriating funds in the amount of Three Hundred Forty Two Thousand Dollars (\$342,000) for the 2008 CIP 511708 Piscataquog River Park Flood Damage Remediation – Phase 2 Project.”

“Amending the FY2008 Community Improvement Program, authorizing and appropriating funds in the amount of Twenty Nine Thousand Dollars (\$29,000) for the FY2008 CIP 610208 Neighborhood Pride – Cleanstreets Program.”

ought to pass and be enrolled.

Alderman Shea moved to accept, receive and adopt the report of the Committee on Finance.

Alderman Garrity duly seconded the motion. There being none opposed, the motion carried.

Mayor Guinta stated with your indulgence I keep forgetting that we have people waiting in the audience waiting on Item 29. I will go to Alderman Long.

Alderman Long moved to remove Item 29 from the table for discussion. Alderman Roy duly seconded the motion. There being none opposed, the motion carried.

- 29.** Petition to discontinue a portion of Elm East Back Street
(AKA Manhattan Lane, AKA Harry Theo Drive)
(Tabled at Road Hearing on July 9, 2007 pending agreement with abutters.)
(Note: additional communications from William Theodosopoulos and Clifford Harris, Thomas Theodosopoulos and Michael Kapos and the Public Works Director enclosed.)

Alderman Long stated I will defer to the Deputy City Clerk.

Deputy City Clerk Johnson stated there was a handout distributed to the Board earlier this evening relating to this item and attached to that is a legal description for a partial road discontinuance. It is a reduced area from what was taken up the night of the road hearing. There is an attached map to that, it has been reviewed by the Highway Department and it is my understanding that the Highway Department is in agreement with it, of course, reserving any and all utility easements and that would be the motion...the smaller amount. There are people here that were represented at the public hearing as well.

Alderman O'Neil stated would it be possible and I think the two counsels are Attorney Sullivan and Attorney Rotch is that correct...I know this has been back and forth and all over the place. Can I ask them both to come up. I just want to make sure there is an agreement here.

Mayor Guinta stated I'm not sure if there is an agreement but we'll be very, very brief.

Alderman O'Neil stated I know you represent members from both sides of the family...is there an agreement or not.

Attorney Kathleen Sullivan stated an agreement to disagree. To make a long story short...obviously Attorney Rotch will give his position. I represent Theo and Son LLC which is the owner of a property that abuts the portion of the road that would be discontinued under this vote. Also present are representatives from the Kapos Family which owns the property on the other side of the section of the road that we are asking to be discontinued and we are in agreement that the proposal which was originally to discontinue all of that section of the road known as...we'll call it Harry Theo Lane because that's the street sign on it now...originally the request for the petition was to discontinue the entire road. There was an objection at the road hearing I believe by an abutter to a portion of the property...Granite State Fruit property. As a result of that we have come back and asked that the discontinuance actually be limited to just that section of the road between the Theo and Son property and the Kapos property and that is what we are here and asking for and would ask for support from the Aldermen for that. We think that this discontinuance will permit my client and the Kapos Family to work together to try to do something with their respective properties both of which have it on the market, both of which are not occupied to a highest and best use especially in that location near the Verizon Center which is obviously a very important area for the City of Manchester. We think this would permit us to go forward and hopefully develop the property so that a section of the City so close to the vibrant Verizon Center would also sort of move the downtown area continue to move it in the right direction along with what you're doing with the Gas Light District and everything else. So that is why we are here and would hope that you would support this discontinuance. Thank you, Alderman.

Alderman O'Neil asked your Honor may I have a question of Attorney Sullivan?

Mayor Guinta replied yes.

Alderman O'Neil stated Kathy and I don't know if you have the same handout we do you represent your clients 16 and 36 Auburn Street?

Attorney Sullivan stated I'm not sure of the address...I'm not sure what handout you have, Alderman...should I take a look at that that might be helpful.

Alderman Roy interjected the property behind that 25-27 on the corner of Cedar and Willow.

Alderman O'Neil stated that's who her clients are.

Attorney Sullivan stated exactly...25-27.

Alderman O'Neil stated Attorney Rotch you represent.

Attorney Rotch stated at 36 Auburn Street, Granite State Fruit.

Alderman O'Neil stated there is an agreement to take what's referred to on this as Elm Street East Back about halfway, is that correct.

Attorney Sullivan stated there's an agreement between the owner of what's shown as 25-27 and the Kapos Family which is that property that is bordered by Elm Street and Cedar Street.

Alderman O'Neil stated it runs between the alley to Elm Street.

Attorney Sullivan stated Elm Street East Back...

Alderman O'Neil stated westerly to Elm Street.

Attorney Sullivan stated no not to Elm Street...it's to Cedar Street.

Alderman Osborne stated a little bit off track here...if half of this was discontinued and then we have the other half that's still open...we'll call it Harry Theo Lane someday I imagine that that will be discontinued also but I'm just looking at it in a different aspect...I'm looking at the name Harry Theo Lane. I think looking at Willow Street here there's no numbers on Willow Street. If this ever happens on this lane here where it was all discontinued why not be naming Harry Theo Lane this part of Willow Street...there's nothing on this Willow Street anyway but using that as Harry Theo Lane just for the memory of Harry Theo.

Attorney Sullivan stated that's a very wonderful idea and I know my client and his family would be most grateful for that...that would be very kind.

Alderman Osborne stated there's no numbers on that anyway it would be no big deal to name this Harry Theo Lane and then leave Cedar Street where it is coming up the other way.

Attorney Sullivan stated that's something we would be very supportive of.

Alderman Gatsas asked have we ever done a partial of a street?

City Solicitor Clark replied my understanding is yes we have.

Alderman Gatsas stated I think some of us did I don't think all of us did. Thank you. I guess my confusion is are there two Theodosopoulos Families that own two separate pieces.

Attorney Sullivan replied yes Alderman.

Alderman Roy stated I think Alderman O'Neil asked for both attorneys and we've heard from Attorney Sullivan I just want to hear from Attorney Rotch out of fairness.

Attorney Rotch stated I represent the owners of Granite State Fruit at the corner of Auburn and Willow. Our concern is the use of the alley as access today for Granite State Fruit coming from both Auburn Street and Cedar Street. The lack of agreement was not the issue of discontinuance but the issue of keeping the access from Cedar Street to the rest of the alley that we feel that we need that access through the whole alley. We're told they're not going to discontinue it, they're not going to cut off access. There are utility easements in it but that is the area of disagreement with my client. We need and desire access through the whole process whether it's a public way or private easement makes no difference but we need the access.

Alderman Smith stated this property runs from Auburn to Cedar...I've been through it. South Willow Street runs southerly when you make the corner and I can understand there's agreement with two parties that own the property up the alley way and the other property Granite State Fruit doesn't want it so in the agreement it says if the abutters agree and apparently the abutters don't agree.

Mayor Guinta stated that's true.

Alderman Gatsas asked what about the gas station...I know it's not owned by Theodosopoulos but does he have any interest in the abutter who's on the corner of Auburn and Elm...there's a gas station there.

Attorney Sullivan stated I'm looking back at the representatives from the Kapos Family and they're saying he's...we've got one of the agents here for the Kapos Family...would probably be better since he knows more about that than I do...if he'd address that.

Mr. Clifford Harris of Prudential Verani Commercial Real Estate stated I represent Michael Kapos...what was the question?

Alderman Gatsas stated the question was the gas station.

Mr. Harris stated the gas station has no interest, no concerns, they don't care either way in the conversations I've had with them during the process.

Alderman Gatsas stated obviously you're discontinuance of the street...half of that street goes to the Kapos Family and the other half goes to...

Mr. Harris stated the half that you're talking about the gas station will not be discontinued.

Alderman Gatsas stated I understand that but obviously at some point if you're looking to develop and I certainly don't disagree with Attorney Sullivan that you would think that that entire piece would be under a redevelopment consideration and if we do this in a half piecemeal basis somebody's going to be back here and we're going to have that same problem in a very short time is my bet.

Attorney Sullivan stated Alderman I would have to say that first of all we have two parties that are very interested in doing something here. We can lead a horse to water but we can't force the owners of the Granite State Fruit property to work with us and obviously if there's an opportunity for the owner of the property to work with us great. Our intention though is to do what we can which is to work with the two properties we have control over and that we do have the owners of the two properties abutting the portion of the street that would be discontinued are in agreement. I think it was Alderman Smith who said that abutters to the portion of the street that would be discontinued are in agreement. The abutters to that portion of the street that would be discontinued are in agreement to have that portion of the street discontinued and so that would permit us to go forward in an effort to do something and I think would be beneficial to the City which is to develop those two properties and that I think it's important. As I said if you look at the properties and you all know the properties they are problematic right now.

Alderman Gatsas asked has anybody assumed the value to the City for discontinuance of that street?

Attorney Sullivan replied I would assume that the value to the City right now from a tax base standpoint you have an empty lot and a mostly empty building. It would be much better for the City from a tax base standpoint to have a newer better development there than an empty lot and a half vacant building. I'd just logically dictate that the value to the City would be much higher from a tax base standpoint. Also considering that you have so many coming into the City to go to the Verizon Center they see there.

Alderman Gatsas stated I don't have a problem doing it. My concern is that we discontinue a street and then all of a sudden six years from now nothing changes. Now I don't know if we can put a parameter that you don't do a deal in five it reverts back to the City because we do

an awful lot of projects...we did one on the corner of Bridge and Elm and discontinued and tore down housing that sat there for an awful long time before anything happened.

Attorney Sullivan stated I understand that Alderman the problem right now is that nothing is happening because of the circumstances we are in...our hands are tied so we're sort of the opposite where that project was. Right now there's nothing on my client's property, it's an empty lot.

Alderman Gatsas stated my concern is...let's assume we do it and I'm not opposed to doing it but if it stays empty for five years then I think it should come back to the City and we should have the discussion over again.

Attorney Sullivan stated the City always has the right of eminent domain, Alderman.

Alderman Gatsas stated but I think there's a constitutional amendment that was passed that said we couldn't take it over and give it to somebody else.

Mayor Guinta stated okay that argument's up in Concord...we're here in Manchester.

City Solicitor Clark stated if you discontinue the roadway you can't put a reverter back that it becomes a roadway if they don't do anything. You'd either have to layout a new road which would cause the City to have to pay damages for it or they would have to dedicate a new road on their own.

Alderman O'Neil stated you folks think this is pretty simple but it's pretty confusing to be honest with you. Attorney Rotch, Peter, if we start at Auburn Street in that alley referenced on that is says Elm Street East Back...the GIS map...you are looking to protect approximately...well I'm guessing you'd like to protect 100 feet but they're requesting if I use the other side of the alley they're requesting to their property line 78.5 feet correct.

Attorney Rotch stated what I was looking to protect is that right now we use for a going business in this area we use the alley from Auburn Street to Cedar Street for trucks. We don't care whether it's a public way or a private way but we need the access to or from Cedar Street to Auburn Street. So they're discontinuance line is 100 feet is what it was referred to but whatever it is as it's shown on the maps and that's the point of disagreement.

Attorney Sullivan stated our response is that Granite State Fruit has access as frontage right now and would continue to have frontage on what is shown as Willow Street, what is shown as Elm Street East Back and what is shown as Auburn Street. Will continue to have frontage on three streets.

Alderman O'Neil asked Kathy how far back on that Elm Street East Back would they still have access?

Attorney Sullivan replied to the 120...to the property line between how it's shown as Lot 36 and what's shown as 25-27...that property line, Alderman.

Alderman O'Neil stated which is approximately just over 100 feet back.

Attorney Sullivan stated 100.8.

Attorney Rotch stated without that access we can no longer use a trailer truck on the alley.

Attorney Sullivan stated we would argue as to how much there's actually tractor-trailer usage as this point.

Alderman Osborne stated I have the question of Cedar Street onto Willow Street...that's a one-way isn't it.

Attorney Sullivan replied yes.

Alderman Osborne stated so if it's a one-way if a trailer was coming down Elm Street or going up Elm Street they still come to Auburn Street that wouldn't be a big out of the way type of thing would it? You can only go one way on that street.

Alderman Rotch stated as far as traffic pattern if I may I'd like to ask the owner of Granite State Fruit where the traffic comes to his business.

Mr. Bill Theodosopoulos stated I'm the President of Granite State Fruit Corporation and I can answer a lot of questions about how traffic flows through that alley if you could just pass these out. Thank you very much.

Alderman Osborne stated all I'm saying is it can only flow one way.

Mr. Theodosopoulos stated I get traffic that comes up Cedar Street, heads south on Harry Theo Lane and enters my property particularly tractor trailer trucks whether they enter from Auburn Street or from Cedar Street they need that alley to make the swing to back up to my dock. And once they make that swing they have to jackknife the tractor and then proceed out the opposite side of the lot. Simply because over the years we built this warehouse in 1960...over the years tractor trailer trucks have gotten longer by anywhere from 10 to 12 feet.

Attorney Sullivan stated I would just also want to point out this discussion of tractor-trailer trucks the width of Elm Street East Back is approximately 22 feet.

Alderman Osborne stated you're going to have a hard time coming either way it doesn't matter whether a tractor truck.

Mr. Theodosopoulos stated they can make the swing through Cedar Street or into my lot from Auburn Street...the width of the alley is not the restrictive factor here. It's once the trailer truck is backed up to my dock as depicted in the map.

Alderman Osborne interjected he's got to back in there's no doubt about that.

Mr. Theodosopoulos stated once he's back in whether he approaches from Cedar Street or from Auburn Street...

Alderman Osborne interjected it doesn't make any difference.

Mr. Theodosopoulos stated they come from both ways but they have to exit the lot on the opposite side from where they entered.

Alderman Osborne stated I'm not trying to argue the point I'm just trying to figure this out. I know it wouldn't make much difference but anyway that's my question.

Alderman Smith stated I'd like to call Kevin Sheppard up here who represents the City. Kevin sorry to trouble you but isn't there a sewer in that back street?

Mr. Kevin Sheppard, Deputy Public Works Director, stated yes I think it was discussed. The discontinuance was recommended with utility easements.

Alderman Smith stated you don't have any problem with discontinuing yourself...how would you maintain it or what would be the situation in the alley.

Mr. Sheppard stated we've taken a look at that and we would still have to plow that alley...we'd work with the property owners. Right now it's probably plowed with a 5-ton, we have a 1-ton pickup and it may not get plowed as quickly but it will still be maintained by the City.

Alderman Smith stated one last question if I may. I got the correspondence from the Highway Department and I think you put in if all abutters agree. Is that correct?

Mr. Sheppard stated I've had to look at that correspondence I think that came from Mr. Thomas but it's typically how a discontinuance works abutters to the discontinuance but in

this case the discontinuance is now being only 100.12 feet or whatever and all abutters to that discontinuance, the new discontinued area is agreeing to discontinuance.

Alderman O'Neil stated Kevin explain to me if this is discontinued how we're still going to be responsible for plowing it. We're going to be responsible for plowing from Cedar to Auburn or only from the point of the discontinued street alley in the north to Auburn Street.

Mr. Sheppard stated we'll have to plow from Auburn Street 100 feet in northerly.

Alderman O'Neil stated question for Attorney Sullivan or if Mr. Harris would like to come back up. You need to combine the Kapos lot...will be the primary lot for the development project but in order to meet parking requirements you need the Tom Theo lot to the east to make it work correct.

Attorney Sullivan stated yes. I can't say that there...I know there's been a conceptual plan circulated and it would most likely be that any building construction would be on what is now the Kapos lot and parking on what is the Theo and Son lot possibly that could be reversed but I would be surprised because I think people would want frontage on Elm Street. But that would be my expectation.

Alderman O'Neil asked is there a timeframe with the street closure to move this project forward?

Attorney Sullivan stated I would have to defer to Mr. Harris on that because he's the realtor.

Mr. Harris stated the timeframe is pretty much immediate as far as the developers that are looking at the property...they want to make sure they have the ability.

Alderman O'Neil stated so we could fairly, safely see that there would be something before the Planning Board in the next year.

Mr. Harris stated I'm not going to guarantee the timeframe as to which developer's would come to the Planning Board it's kind of hard to say...things that they're going to be doing.

Alderman O'Neil stated I share some of the concerns as Alderman Gatsas and I don't want to see this become a full-time parking lot for the arena and nothing ever gets built.

Attorney Sullivan stated I will tell you right now that we have been before the Zoning Board with an attempt to park on my client's property and have been unsuccessful in being able to park so I don't think that is something that we need to worry about at this point.

Alderman O’Neil stated one final...there is no way the parties can get together on this easement issue.

Attorney Sullivan stated I am afraid at this point no.

Mayor Guinta stated a clarifying question for Kevin. The discontinuance...from Cedar how far up the street toward Auburn to which lot line.

Mr. Sheppard stated from Cedar Street...if you’re looking at the GIS map that was provided the 120.2 feet is the discontinuance.

Mayor Guinta stated so it’s up to the end of the building.

Mr. Sheppard stated no it’s up to the end of the lot that fronts on Willow Street.

Alderman Gatsas stated if you take a look at the map down below it the 106 feet on the property that is on Elm Street takes you beyond that lot line.

Mr. Sheppard stated correct.

Alderman Gatsas stated if you’re going to discontinue are you doing it on a straight line and not giving the Kapos property the other 20 feet.

Mr. Sheppard stated it’s a perpendicular line from 120 feet in...120.2 feet...then you go westerly to 20 feet and you go 120.2 back to Cedar Street I believe.

Alderman Gatsas stated so the Kapos property is not going to pick up the other 20 feet.

Alderman Long moved to discontinue a portion of Elm East Back Street such area reduced in size from the initial petition and being a portion described as follows:

Beginning at a point, said point being the intersection of the southerly line of Cedar Street with the easterly line of Elm East Back Street, said point being 100.1’ west of the westerly line of Willow Street; thence, southerly by the said line of Elm East Back Street 120.2; thence, westerly, perpendicular to the said street line 20.0’ across Elm East Back Street to a point in the westerly street line; thence, northerly 120.2’ by the westerly line of Elm East Back Street a point in the southerly line of Cedar Street; thence, easterly by the southerly line of Cedar Street and across Elm East Back Street to the point of beginning.

Alderman Lopez duly seconded the motion.

Alderman O’Neil stated just a clarification. I was not at the road hearing...the Board tabled this at the road hearing for what information.

Mayor Guinta replied I believe the request was to ask the parties to try to come to an agreement.

Alderman Long stated originally it was the whole street that they were looking to discontinue and all abutters didn't agree so we tabled it and asked that they get together and see if they could come to a resolution.

Mayor Guinta stated I think two of the three have made an agreement.

Alderman O'Neil stated I just find it hard to believe this is not a major...that they can't get together on this. I don't know.

Alderman Roy stated a question for the City Solicitor...once this discontinuance takes place no matter what is said by attorneys regarding access to paved areas that's not binding correct.

City Solicitor Clark stated are you talking about on the discontinued portion.

Alderman Roy stated correct.

City Solicitor Clark stated they may have some private rights, they'd have to enforce those on their own in court.

Alderman Roy stated those would be enforced in a court of law.

City Solicitor Clark stated yes.

Mayor Guinta called for a vote on the motion. The motion carried with Aldermen Roy and Smith duly recorded in opposition and Aldermen Gatsas, O'Neil and Forest duly recorded as abstaining.

- 17.** A report of the Committee on Lands and Buildings was presented advising that it has authorized the Planning Director to negotiate a purchase price with the owner of the property located at 115 West Street for future use as a parking lot for the West Side Library and the William B. Cashin Senior Center and report back to the committee.
(Unanimous vote with the exception of Alderman Thibault who was absent.)

Alderman Lopez moved to accept, received and adopt the report of the Committee on Lands and Buildings. Alderman O'Neil duly seconded the motion. The motion carried with Alderman Shea duly recorded in opposition.

Alderman Shea stated Alderman Smith brought out the fact that it will cost \$14,000 for a parking space in that area. It doesn't make any sense to me that we would invest all of the

money obviously for one thing it just doesn't add up...\$14,000 for 25 parking spaces. We have more critical needs than that in my opinion so I'm definitely opposed to this.

18. A report of the Special Committee on Riverfront Activities and Baseball was presented recommending that the following actions be taken as recommended by the Mayor:

1. That the Board authorize an independent audit of the entire Riverfront Development project/Stadium project to be conducted by McGladrey & Pullen, the City's auditor. The parameters of the audit shall be determined by the City Solicitor with a report to be made to the special Committee on Riverfront Activities and Baseball within sixty (60) days.
2. Concurrent with the audit, a legal review by the City Solicitor of all bond documents related to the Riverfront Development project be conducted to ensure all provisions have been properly adhered to and report back to the Special Committee within sixty (60) days; and
3. That the Economic Development Director provide the Special Committee with a report on the status of the Riverfront Development project and identify any actions that may be necessary to improve the overall performance of the project.

(Aldermen Lopez, DeVries, and Roy voted in favor. Alderman Gatsas was opposed. Alderman Smith was absent.)

Alderman Lopez moved to accept the report. Alderman DeVries duly seconded the motion.

Alderman Lopez stated I have a clarification and would like to amend item 1. The clarification I would like to have someone clarify for me and maybe Tom Clark would be the individual here...the entire development of the Stadium project...we're talking about the finances of the bonds only is the second part where you're looking at as the financing of the bonds and LOC's and things like that.

City Solicitor Clark stated the second portion of the Committee's recommendation as I understand it for my office to review the bond documents and other things just to make sure that the City's complying with the bond documents.

Mayor Guinta asked are you referencing what the audit would be requested to actually audit.

Alderman Lopez stated right...that's what I want to make sure that we're not talking the entire document...we're talking about the bonds, the financing, the Letter of Credits, the MOU's and things like that. Mr. Sanders is that your understanding.

Mr. William Sanders, Finance Officer, stated yes that was my understanding from our meeting.

Alderman Lopez moved to amend the report that the Board authorize an independent audit and that Kevin Buckley and the City Solicitor put an RFP together eliminating McGladrey & Pullen as the auditors to do this audit. We want a complete independent audit. Alderman Long duly seconded the motion.

City Solicitor Clark stated just a point I'm not sure if the Aldermen are aware or not. You're asking for an RFP to be put together by myself and Kevin Buckley it's probably going to throw off the sixty (60) days time period if you're looking for a response. Secondly, Kevin Buckley is currently in Colorado and won't be back for two weeks.

Alderman Lopez stated then the Finance Officer or somebody can put it together.

Mayor Guinta stated it will impact the 60-day response. The reason I recommended McGladry & Pullen is that they are the auditor for the City and we have the contract that exists with them that they can audit. They have their contract audit with the City but we have the authority within that contract to ask them to audit other things, which will have alleviated us of the RFP timeline issue. If the Board so wishes to move with an independent auditor from that rather than that audit agency we would just to amend the sixty (60) days as well because I don't think we can get an RFP out or responded to and have the report completed within sixty (60) days.

City Solicitor Clark stated one other point to make sure that everybody's on the same page the auditor's used to be hired through an RFP process through the Finance Department which reports to this Board. The current contract that's in place now the process was done by Kevin Buckley.

Alderman Lopez stated the process was done by Kevin Buckley and not the Finance Officer.

City Solicitor Clark stated Kevin Buckley put together the RFP that selected them.

Alderman Lopez stated some of the Aldermen thought and I did too that Kevin Clougherty and Randy Sherman hired these individuals...you're saying they didn't.

City Solicitor Clark stated they didn't hire them no. There was an RFP process put together. I just checked with Mr. Sanders and it was done by Kevin Buckley, he may have gotten some information out of the Finance Department but then he reported to the Committee on Accounts and the full Board and the Board authorized the hiring.

Alderman Lopez stated that's a good point.

Alderman DeVries stated I think what we are trying to address here is have already been approached by a few individuals and I'm sure it will become more because we've only had a couple of hours since...we've had a few hours since that Riverfront meeting this afternoon. People are already expressing the opinion that our existing City auditor has a relationship with the City and has already been reviewing in some way the documents or the revenues from the Riverfront Development and Stadium project. So they have some level of a vested interest in the outcome of what we now consider an independent audit and people are questioning that makes them less than independent. I don't know that I have strong feelings on this that they can not give us a true and accurate reading but I do have strong feelings is I don't want any perception on the part of the public and we all know with the newspaper reporting that this perception has a way of taking on a life of itself. I don't want the perception that there is anything less than a true independent review of all of the documents and have them come back to us. I don't know how else you get there than by really bringing in a total third party that has not had any vested interest in this project.

Mayor Guinta stated whatever the Board wishes. Any accounting firm that we use they do have a fiduciary responsibility anyway.

Alderman DeVries stated I understand that.

Mayor Guinta stated but if people are concerned about that I have no objection to looking at somebody else. It is going to delay the report though.

Alderman Shea stated this is a point of interest. When I first became an Alderman 12 years ago I indicated that we should have an internal audit done at that time...not an external audit as they accountants have done. I think it behooves the Board sometimes to be solicitous about how the economic picture of the City goes in terms of how much we as Aldermen and you as Mayor understand all of these accounting processes and so forth. When we hire people to audit the books we give them the books and obviously they look over the books. When we have an internal audit they themselves delve into these different matters as this should be done in this case so really in terms of "forewarned is forearmed" if we had listened 12 years ago we would probably have in place certain internal audits that we would have been able to refer to now and we wouldn't have to go to a third party...that's all my comment is, thank you.

Alderman Osborne stated a lot of us are not on the Baseball Committee so we're not brought up to date completely on this whole picture here but basically what are we auditing and who are we auditing and for what reason. Did the ball club themselves...they made their payments from what I understand.

Mayor Guinta stated yes.

Alderman Osborne asked so what are we auditing.

Mayor Guinta stated everybody's made their payments. There's a difference of opinion between the current Finance administration and the previous Finance administration regarding the accounting procedures by which.

Alderman Osborne stated if there was any sandbagging involved is that what you're saying in a roundabout way. It's a way of putting it but what are we doing here...someone's dishonest here or what.

Mayor Guinta stated no, no, no, no. It's an accounting...there is a difference of opinion regarding the accounting of...we have Bill Sanders' who is looking at a fiscal year analysis of the payments from '05, '06 and '07...the previous Finance administration is looking at the payments on a calendar year basis. There is obviously a discrepancy in terms of their reports.

Alderman Osborne asked where did the money go...this is the whole thing right.

Alderman O'Neil stated a few points. Number one I think Scott Bassett and McGladrey & Pullen have served the City very well but I do agree with Alderman DeVries that because of this difference in interpretation between the two different Finance administrations a complete independent third party might be in the best interest of all. If I may, your Honor, a question of Attorney Clark. Tom is there anything under an emergency provision of suspending the procurement process and I recall but can't remember for what we've done under some emergency.

City Solicitor Clark stated there's a couple of options that are available.

Alderman O'Neil stated something to speed this up because I see if we do an RFP process it's going to be six months...now that may be fine I don't know. Is there something we could take a vote on that would give you and Kevin Buckley some authority to do something and I know Kevin's out of the picture for two weeks but when he gets back the two of you can get right on it?

City Solicitor Clark replied yes there's a couple of things. Depending on what this is going to cost if it's under \$10,000 the department head under the present Procurement Code can just go ahead and hire. If it's under \$25,000 I'd need to get quotes assuming that you're asking my department to do the hiring or you could pass an ordinance tonight exempting this procurement of an independent auditor from the provisions of the Procurement Code and authorizing a direct hire.

Alderman O'Neil stated that may be an option. Any thoughts, your Honor, we use Scott Bassett or how would we pay for it.

Mayor Guinta stated if we don't use McGladrey and again if the feeling of this Board is to be independent of that auditor then I have no objection to that. I can't tell you whether it's going to be above or below \$10,000. I think it's in that ballpark.

Alderman O'Neil stated wouldn't we have the same whether we used McGladrey & Pullen.

Mayor Guinta stated we already have an existing contract with McGladrey.

Alderman O'Neil stated we still have to find the money to pay them.

Mayor Guinta stated yes we still have to pay them.

Alderman O'Neil stated the finances are still the same issue.

Mayor Guinta stated where the money comes from it would be contingency or Finance.

Alderman O'Neil stated even if we have a separate firm do it we're still going to have the same issues. I'd like to see us give some flexibility for you to work with the City Solicitor and the Internal Auditor to try to clean this up.

Mayor Guinta asked is there a way for you tomorrow to do a little research to determine what the price would be for this kind of request.

City Solicitor Clark stated we could make some phone calls to some of the local auditing firms. They're going to be reluctant to give a ballpark figure without knowing the exact extent of the documents we're going to want them to get in to but we could try.

Alderman Gatsas stated I'm sure you noticed that I voted against the proposal and not because it was something that you brought forward. I think there are two issues that we need to address and I think Mr. Sanders one has brought something forward that says he believes that his numbers are correct. My question is how did we pay for it and if his numbers are correct then the money had to either come from including it in debt service or it had to come from fund balance...those are the only two places it could come from. So I have to believe that with the assumption that he's brought forward that that documentation should be readily available. If he comes in and says here it's in debt service it was planted in there during the '03 or '04 budget then the conversation ends because the taxpayer did pay for it. If it comes out of fund balance then the taxpayer did pay for it. If it doesn't come out of either one of those then his calculation is wrong and I think that he needs to prove to this Board what he has substantiated and made as a public issue before we do any audit because I guess my

question is there are three different kinds of audits and are we looking for a qualified statement because somebody's going to charge you well in excess of \$10,000 for a qualified statement. So I would think that we should at least give him the opportunity...I have to believe that he should be able to find that answer within a day. It's either in debt service or it's in the fund balance. If it's not in either one of those two places then there could have been no checks sent to pay for those bonds because I don't know where the money would have come from. So that's why I voted against this because I think he has to show this Board or substantiate the document that he provided to us.

Alderman Roy stated go out getting the information on the independent auditor, get a letter from Scott Bassett regarding how he feels about auditing these books and give our Finance Officer till our next September 6th meeting to get the information that Alderman Gatsas is looking for that may explain and make it so we don't have to have an audit. I believe we do need an audit, I firmly believe we should but I also don't want to let the public think that we're questioning our City auditor but I think we have time to go out for prices for independent auditors, give the Finance Officer time to report back to Alderman Gatsas and the Board as well as get an opinion from our current auditor. So I'd look that we'd finalize this for September 6th.

Mayor Guinta stated I'm not sure I followed all of that, however, the Solicitor and the Finance Officer neither one of them object to doing an audit so there is a motion on the floor. I'd like to take that motion...if it passes fine if it fails we'll come up with another solution.

Alderman Shea stated we're asking Mr. Sanders where the money came from. Why don't we ask the former Director...the people that worked in the Finance Department where they believe the money came from. In other words if money came from someplace why don't we ask them as well as Mr. Sanders.

Mayor Guinta stated I think that has been asked by different people and there are different answers hence the reason for an independent audit.

Alderman Shea stated I realize we should have it but just get their opinion. Where do they think the money came from...somehow or other we've got money floating around someplace I would assume.

Mayor Guinta stated there's a difference of opinion regarding the accounting and if it comes down to a fiscal year in part, a fiscal year analysis versus a calendar year analysis. So I think that those questions have been asked, I think they've been answered.

Alderman Shea stated the key question is was taxpayer money used...that's the key question because it wasn't supposed to be used. The former employees think that no money was used...involved taxpayer's money, however, a recent report indicated that in order to meet

our obligations taxpayers money was used. So somehow or other somehow the difference between what was coming in in terms of revenues and money paid out there must be a differentiation someplace whether it's accounting or whatever.

Mayor Guinta stated there's a difference of opinion on that specific question which is why I think which is why the recommendation I made to have an independent audit done. I did ask the Solicitor and I did ask the Finance Officer if they objected...neither one objected to that course of action. So the question now on the table is should we be using our auditor that we already have a contract with, there's an amendment to go out independent of that and then there's a couple of other options there. So right now we have an amendment on the floor if you could just review your amendment.

Alderman Lopez asked Carol did you get that amendment?

Deputy City Clerk Johnson replied yes.

Alderman Lopez stated just change conducted by an independent auditor.

Deputy City Clerk Johnson stated it is my understanding that the motion on the floor is to amend the report by amending section 1 and rather than saying "the Board authorize the independent audit to be conducted by McGladrey & Pullen"...it would state "to be referred to Kevin Buckley and the City Solicitor to develop and RFP together for an independent auditor."

Alderman Lopez stated I'd just like to correct it...it might not be an RFP if the City Attorney makes a determination because it's under \$10,000 - \$25,000...if it was at \$25,000 you'd get three quotes and they can make that determination so I don't want to bind them in the Procurement Code.

Deputy City Clerk Johnson stated so in that instance we would want to take out "to be conducted by McGladrey & Pullen, the City's auditor" and replace that with "to be conducted by an independent auditor to be hired under provisions provided by Kevin Buckley and the City Solicitor."

Alderman Lopez stated that's correct.

Mayor Guinta stated an removing the sixty-(60) days parameter.

Alderman Lopez stated yes for now. I think the other point that I want to make if I may speak to this...the other point that Alderman Gatsas brings up I think that the Finance Officer will have that document...this will start things rolling along and I think the Finance

Officer after some discussion I had during the break he can say about Friday you think that you'll be able to answer the Alderman's questions.

Mr. Sanders stated yes I thought this could be safe that if I should have it in the mail for the Monday courier service.

Alderman Lopez stated we've got time to play with this to a degree but we'd get the ball rolling for an independent audit.

Alderman O'Neil stated I think it's important and I haven't heard this in any of the discussions earlier...the discussions right now. This is just a different opinion and why we're asking for the audit. We don't believe there's anything legally wrong and I think that's important and I look out in the audience and I see Bob Beaurivage an engineer and Kevin Sheppard an engineer...they could look at something and have a difference of opinion in how to correct it...that's what we have here is a difference of opinion. So I think that's important that the public doesn't think that there's something...it's a serious matter but not of a criminal serious matter or something thank you.

Alderman Garrity stated I move the question, your Honor.

Mayor Guinta stated okay the question's been moved...point of clarification.

Alderman Gatsas stated point of clarification, your Honor. If the Finance Officer comes back and can't find it in debt service and can't find it in fund balance are we still going to move forward with an audit...that's my question.

Mayor Guinta stated I don't know what he's going to respond or how he's going to respond...let's see what the response is. I think the issue is...

Alderman Gatsas interjected I'm asking a direct question...are we still going to look for an audit? If he comes back and says it's not in fund balance and it's not in debt service are we going to continue an audit?

Mayor Guinta stated if it's not in fund balance or debt service.

Alderman Lopez asked may I answer that, your Honor?

Mayor Guinta replied sure.

Alderman Lopez stated I think if that is the case after documentation I think working with the City Clerk we can have a special Board meeting to make a determination on that.

Alderman O'Neil stated just a question from my colleague in Ward 2 (Alderman Gatsas).

Mayor Guinta stated sure.

Alderman O'Neil stated if it's not in either of those what would be the result then...I didn't sit through all of the discussions this afternoon.

Alderman Gatsas stated my preface has been this...there was a document...I asked for a document because there was a statement that taxpayer's dollars...there was a shortfall and taxpayer's dollars were being used and I asked for the documentation. Now, I would have assumed that when somebody presented us with the documentation that they did they would have evidence to say because if we're going to pay something it either has to be in a fund balance with additional revenue that's coming into the City or it would have had to have been put in to debt service because there would have been no other way for anybody to cut a check to pay for the bond payments other than the revenues that came in from the ballpark, the revenues that came in from the condo development, the revenues that came in from the hotel must have been earmarked and put into a fund and sent to pay the bonds. So if there was a shortfall as we've been told then those additional funds either had to come from debt service to send to bond payment or they had to come in from the fund balance...additional revenues that came to the City. You couldn't pay for it any other way unless somebody went into a special account and pulled it and that's a real problem.

Mayor Guinta stated so you're saying if there is no record of that then it ends the...

Alderman Gatsas interjected your Honor I believe there must have been an account that somebody said here's the \$900,000 from the baseball developer it went here...here's the payment in lieu of taxes from Chinburg it went here. Here's the Roedel payment it went here and we sent a check for \$1.3 million to bond.

Mayor Guinta stated I think we can take both courses of action. If after we receive the additional response from the Finance Officer if it changes the minds of the members of the Board we can have a special meeting next week to review it in the meantime we have the City Solicitor who can move forward with this process...we're not losing any time.

Alderman Duval stated I wholeheartedly support Alderman Gatsas' thought process on that I really do, your Honor. I think that to give the Finance Officer say another week to drill down to see if he can provide you and perhaps the Chairman of the Board with that information I think could perhaps shed a different light on the subject matter and change the course of action which may very well result in us not having to spend potentially and talking to people who are in the know thousands of dollars way above \$10,000 to perform an audit especially if we go to an outside auditing firm so I think exercise caution, due diligence, give the Finance Officer a week to report back to you.

Mayor Guinta stated I wouldn't disagree with what you're saying except it's going to take more than between today and Monday to put the document together to go out for RFP...they can do that...that's not out the door on Monday or Tuesday. So I don't think we're losing anything by taking both courses of action this evening.

Alderman Duval stated I would feel comfort knowing that he was continuing to drill down to try to provide you with vital information and if the Chairman of the Board wants to be involved in that as well.

Mayor Guinta stated the Finance Officer's indicated he can get it to us for Monday you said, okay.

Alderman Gatsas asked will the maker of the motion take a friendly amendment that says that we will look at what the Finance Officer sends us next week and if it's something that says no the taxpayer's money wasn't used then we don't need to or call a special meeting before we continue to move forward on an audit for no reason.

Alderman Lopez stated I think if the Finance Officer gives us a document other than the statements he has made today and he's retracting his statements I think that is a plus that we would have to come to a special meeting and we wouldn't have to go out to do an audit but as with the Mayor we'd sort of kill two birds with one stone, we'd keep the process moving along and then if the majority of the people here don't like the answer the Finance Officer has we're still in the same dilemma that we have two Finance Officers with different theories so I don't think there's anybody on this Board that can solve it and that's the issue.

Mayor Guinta stated Alderman rest assured if there's a complete change in opinion here we're not going to spend money on an audit. As of this afternoon I've met with the Finance Officer and he's standing by his document. If something changes to miraculously show something different it doesn't require us to move forward with an audit I would certainly make an amendment to my original recommendation. So I think we'll be keeping a close eye on this issue over the next several days. So the vote would be on the amendment. There being none opposed, the motion carried.

Alderman Lopez moved to accept the report as amended. Alderman DeVries duly seconded the motion.

Alderman Gatsas asked what kind of audit are we looking for...a qualified statement, audited statement?

Mayor Guinta replied I would refer that to Mr. Clark.

City Solicitor Clark stated as I understand the motion was for myself to work with Kevin Buckley to develop this. I would be working with him that is the City's Internal Auditor to determine what kind of audit would be necessary. If it's the wish of the Board, if they want a qualified statement that's what we'll look for.

Alderman Gatsas stated the only thing I'm saying is somebody needs to explain to this Board what the three different levels are and what those costs could be maybe Mr. Sanders could do that being the Finance Officer.

Alderman Lopez stated that's fair.

Mr. Sanders stated I think this report would fall under the category under the special report to be rendered by whichever independent auditor is selected and I think that the RFP is going to have to stipulate what it is that we want the independent auditor to say in the special report. If this is not an audit of the full set of financial statements or the business it's an audit of a particular contract and a specific bond issuance so I think the RFP would have to be specific in what we want and I think that if they need my input or want my input I'd be glad to help in writing that but I think we need a report.

Alderman Lopez moved to accept the report as amended. Alderman DeVries duly seconded the motion.

Alderman Gatsas interjected I guess my direction question, Bill, is are we going to ask him to sign off on that report...if we are then that's going to be a very expensive item because he's putting his name on the line and I can tell you that bond counsel is going to come back in and tell us if there's a problem we may be putting our bond rating in jeopardy. So I guess that's my question and have we talked to bond counsel to make sure we're doing the right thing.

Mayor Guinta stated I'm not sure how the audit would be the bond rating in jeopardy...just asking for an audit.

Alderman Gatsas stated I would say that if we've paid \$1.3 million of taxpayer's money.

Mayor Guinta stated the action itself yes.

Alderman Gatsas stated a lot of us not knowing what's happened I would say that that's probably a material item in any audit that's done.

Mayor Guinta stated but regardless we need to know the answer to that question.

Alderman Smith stated we've been on this for a long time but I have to agree with Alderman Gatsas that we wait until we see what the Finance Officer puts in his presentation to us and if that's the case then we'll proceed. I've been on this committee for five years and I think if this is the case we thoroughly have been deceived...if that's the case but no one told me that anything was going to be taken out. Every time we came to a meeting everything was kosher and the only thing I was worried about...the letters of credit with Chinburg...that's about it and it's about time that we get an answer but I think we should wait until we get the documents from Mr. Sanders on Monday and before we proceed and spend money. Thank you.

Mayor Guinta asked is there a motion on the floor?

Deputy City Clerk Johnson replied there is, your Honor. Alderman Lopez by Alderman DeVries to accept as amended.

Mayor Guinta called for a vote on the motion. The motion carried with Alderman Gatsas duly recorded in opposition.

19. State Legislative update to be presented by Mayor Guinta.

Mayor Guinta stated I've included in the packet a State Legislative update if there are no questions I'll move to item 20.

20. Proposed amendment to the Manchester City Charter previously submitted by Mayor Guinta providing for a new subsection (b) to Section 3.05 Tenure of Office.

“Shall the municipality approve the charter amendment reprinted below?”

3.05 TENURE OF OFFICE

(a) Effective upon the adoption of this charter there shall be no set terms for department heads, subject to the provisions of Article X, Section 10.06.

(b) Notwithstanding the above provision, the Board of Mayor and Aldermen may enter into an employment contract with a set term with the Airport Director. If exercised, such a contract shall also set forth the terms and conditions of employment of the Airport Director and shall be subject to the provisions of Section 3.06 of this Charter.

Deputy City Clerk Johnson stated your Honor before you take a motion on that there was some discussion at the public hearing the other night about setting an effective date and you may want to do that.

Mayor Guinta stated I was going to ask Alderman Lopez if he wanted to make that amendment.

Alderman Lopez moved to amend the motion to refer the question to the November 6, 2007 Municipal General Election ballot with such change to become effective upon passage of said amendment. Alderman Shea duly seconded the motion.

Alderman Gatsas stated does that mean if we hire an Airport Director between now and November.

Deputy City Clerk Johnson stated you cannot have a contract...the Charter amendment provides that you are allowed to do a contract but you are not allowed to do a contract until the Charter amendment passes or if it does.

Alderman Lopez stated the wording from Tom Arnold at the meeting, Alderman, was if they don't do this it will become effective July 1, 2008.

Mayor Guinta stated Alderman Gatsas' issue is what happens if we hire the Director prior to the election. I don't want to assume.

Alderman Gatsas stated that's my question. If he comes in and says I'm willing to come to work in September and we say to him you've got to wait because.

Mayor Guinta interjected no we wouldn't say that necessarily, he just wouldn't have a contract. What this allows us to do if it passes is after the November election negotiate a contract. It would not preclude us from hiring someone prior to this date.

Alderman Gatsas stated I guess my question is, your Honor, if this doesn't pass in November then we don't have the ability to enter into an employment contract.

Mayor Guinta stated correct. It would fall back to the current position identified, articulated in the Charter.

Mayor Guinta called for a vote on the motion to amend. There being none opposed, the motion carried.

Alderman Garrity moved to send the question to the November 6th Municipal General Election ballot. Alderman Forest duly seconded the motion. There being none opposed, the motion carried.

- 21.** Communication from Frank Thomas, Public Works Director, on behalf of Dave Smith, MTA Executive Director, requesting relocation of two existing bus shelters (Veterans Park on Elm Northbound and Elm Street between Spring Street and Wall Street Northbound) due to recent change in bus routes.
(*Note: Highway concurs with request.*)

Alderman Long moved to approve the request to relocate two existing bus shelters, as outlined. Alderman Pinard duly seconded the motion. There being none opposed, the motion carried.

- 22.** Communication from Deputy Chief Leidemer seeking authorization that the Mayor enter into a Deputation Defense and Indemnification Agreement between the City and the Hillsborough County Sheriff.

Alderman Roy moved to authorize the Mayor to enter into an agreement, as outlined herein, subject to the review and approval of the City Solicitor. Alderman O’Neil duly seconded the motion. There being none opposed, the motion carried.

- 23.** Communication from Thomas Bowen, MWW Director, requesting that the Board approve a waiver relative to the low-income purchase restriction on Phase 2 in the unlikely event of a foreclosure on the Phase 2 portion of the development on Karatzas Avenue.

Alderman Pinard moved to authorize the Mayor to execute such documents as may be necessary to enable the automatic removal of the affordability restriction on Phase 2 of the Karatzas Avenue development in the event of a foreclosure on said property, subject to the review and approval of the City Solicitor. Alderman Roy duly seconded the motion. There being none opposed, the motion carried.

- 24.** Resolutions:

“Amending the FY2007 Community Improvement Program, authorizing and appropriating funds in the amount of Seven Thousand Dollars (\$7,000) for the FY2007 CIP 210107 Homeless Healthcare Program.”

“Amending the FY2007 Community Improvement Program, authorizing and appropriating funds in the amount of Two Thousand Dollars (\$2,000) for the FY2007 CIP 214007 Southern NH Area Health Education Center Program.”

“Amending the FY2008 Community Improvement Program, authorizing and appropriating funds in the amount of Three Hundred Forty Two Thousand Dollars (\$342,000) for the 2008 CIP 511708 Piscataquog River Park Flood Damage Remediation – Phase 2 Project.”

“Amending the FY2008 Community Improvement Program, authorizing and appropriating funds in the amount of Twenty Nine Thousand Dollars (\$29,000) for the FY2008 CIP 610208 Neighborhood Pride – Cleanstreets Program.”

On motion of Alderman Roy, duly seconded by alderman Shea, it was voted to dispense with the reading of the Resolutions by titles only.

Alderman O’Neil moved that the Resolutions pass and be Enrolled. Alderman Shea duly seconded the motion. There being none opposed, the motion carried.

TABLED ITEMS

- 25.** Report of the Committee on Bills on Second Reading recommending that Ordinance:
- “Amending the Zoning Ordinance of the City of Manchester by extending the B-2 (General Business) zoning district to include property currently zoned IND (Industrial) located on the south side of Gold Street east of the former Lawrence Branch of the B&M Railroad and including the following three lots Tax Map 875-14, 875-15, 875-16.”
- ought to pass.
- (Aldermen Duval, Lopez, Garrity and Pinard recorded in favor; Alderman Gatsas opposed.)*
(Tabled 09/05/2006)

This item remained tabled.

- 26.** Report of the Committee on Bills on Second Reading recommending that Ordinance:
- “Amending the Zoning Ordinance of the City of Manchester by extending the R-3 (Urban Multi-family) zoning district to include property currently zoned R-1B (Single-family) located on a portion of Tax Map 691 Lot 143-1 that will be on the north side of a proposed Gold Street Bypass and adjacent to Bradley Street and the New St. Augustin’s Cemetery.”
- ought to pass.
- (Aldermen Duval, Lopez, Garrity and Pinard recorded in favor; Alderman Gatsas opposed.)*
(Tabled 09/05/2006)

This item remained tabled.

- 27.** Report of the Committee on Community Improvement advising that it has requested staff to prepare documents to provide that the City agree to extend the term on the 2nd mortgage relating to Lowell Terrace Associates property located at the northwest corner of Lowell and Chestnut Streets to coincide with the expiration of the existing first mortgage in 2013.
- (Unanimous vote)*
(Tabled 05/15/2007.)

This item remained tabled.

- 28.** A Majority report of the Committee on Bills on Second Reading recommending that Ordinance:
- “Amending the Zoning Ordinance of the City of Manchester by extending the General Business District (B-2) into an area currently zoned Residential One Family District (R-1B), being a portion of Tax Map 381, Lot 47 with an address of 466 South Willow Street and abutting South Lincoln, South Willow and Parkview Streets. A majority of the property is currently zoned B-2 and the petition would extend the B-2 to include the entire lot.”
- be denied at this time.

The Committee notes that the business owner should work with the neighborhood and may return with a petition after addressing issue as noted in a communication from Alderman Garrity enclosed herein.

(Aldermen Garrity, Pinard and Duval in favor. Aldermen Lopez and Gatsas opposed.)
(Tabled 06/05/2007)

This item remained tabled.

A Minority report of the Committee on Bills on Second Reading recommending that Ordinance:

“Amending the Zoning Ordinance of the City of Manchester by extending the General Business District (B-2) into an area currently zoned Residential One Family District (R-1B), being a portion of Tax Map 381, Lot 47 with an address of 466 South Willow Street and abutting South Lincoln, South Willow and Parkview Streets. A majority of the property is currently zoned B-2 and the petition would extend the B-2 to include the entire lot.”

ought to pass.

The minority advises that the proposed zoning, in its opinion, is consistent with the highest and best use of the property and that neighborhood concerns can be best addressed through the development process at the Planning Board level, therefore, that such rezoning should be considered subject to the Planning Board approving any plans for development of the property.

S/Alderman Lopez

(Tabled 06/05/2007)

(Note: additional communications from Alderman Garrity and petitions enclosed herein.)

This item remained tabled.

30. NEW BUSINESS

Alderman Lopez stated I had a request from the Economic Development Director...they're putting out an RFP for a consulting firm to perform a feasibility study on an expanded convention facility and asked if there was any Alderman that would like to sit on that committee...he's requesting an Alderman and the only response I had was Alderman O'Neil who wouldn't mind sitting on the committee with MDC, Intown Manchester and other business community leaders as a representative of the Alderman. Therefore, I would like to appoint him (Alderman O'Neil) as the Aldermanic representative to sit on this committee for a performing arts center that's in the early stages of an RFP.

A report of the Committee on Bills on Second Reading was presented recommending, that Ordinance Amendment:

“Amending Sections 33.024, 33.025, & 33.026 (Inventory Specialist I & II) of the Code of Ordinances of the City of Manchester.”

ought to pass; and further that Ordinance Amendment:

“Amending Sections 33.024, 33.025, & 33.026 (Parking Attendant) of the Code of Ordinances of the City of Manchester.”

ought to pass as amended to include that Parking Attendant employees shall not accept gratuities.

The Committee further recommends that the rules of the Board be suspended and the Ordinance Amendments be adopted this evening.

(Unanimous vote)

Alderman O’Neil, moved to accept, receive and adopt the report of the Committee on Bills on Second Reading. Alderman Duval duly seconded the motion. There being none opposed, the motion carried.

Alderman Duval moved to suspend the rules and place the Ordinances on their final readings without referrals to committees. Alderman Shea duly seconded the motion. There being none opposed, the motion carried.

On motion of Alderman O’Neil, duly seconded by Alderman Duval, it was voted that the Ordinances be read by titles only, and it was so done.

“Amending Sections 33.024, 33.025, & 33.026 (Inventory Specialist I & II) of the Code of Ordinances of the City of Manchester.”

“Amending Sections 33.024, 33.025, & 33.026 (Parking Attendant) of the Code of Ordinances of the City of Manchester.”

Alderman O’Neil moved that the Ordinance pass and be Ordained. Alderman Duval duly seconded the motion. There being none opposed, the motion carried.

Alderman O’Neil stated two items...quick ones...remind the Police Chief we’re stilling looking for an equipment list. It was requested a meeting or so ago. And, secondly, hopefully you all have a copy of a memo that Paula did for me today on CIGNA. I’m hearing some concerns about CIGNA and I’m pretty concerned about it because the employees were told as was this Board there would be no changes in coverage from the Anthem plan and I’m hearing some concerns with people receiving physical therapy, I heard a concern about a retiree because the retiree’s supplemental comes through CIGNA now...they had a problem with the prescription and I also heard from a health care provider that provides both general health care as well as Worker’s Comp to many City employees about some concerns so I think the only way we’re going to address this is to bring CIGNA in...I think it’s pretty serious. I hear there may be some grievances going to be filed over some of this stuff.

Mayor Guinta interjected I don’t necessarily object but the Human Resources Director has reiterated to me that there is no change.

Alderman O’Neil stated your Honor I’m getting these calls...she’s not getting them, I’m getting them. I didn’t write the letter because I had nothing to do.

Mayor Guinta stated I’m just trying to give you some additional information.

Alderman O’Neil stated I’ve spoke with Ms. Lamberton a number of times and she disagrees that there are problems. I can tell you that I am aware of problems with employees, with a health care provider and with a retiree.

Mayor Guinta stated I don't disagree that that's occurring. For any City employees and retirees that are watching there is not supposed to be any change in coverage.

Alderman O'Neil stated that's what employees were told.

Mayor Guinta stated that's correct and I have no objection to this request. I'm just simply stating let's try and get together before this.

Alderman O'Neil stated if we get some new information between now and when we meet in a month I'll pull my letter and say let's not do anything but I'd like to get it on the agenda for the next full Board meeting.

Mayor Guinta stated that's fine. In addition to that let's meet with the HR Director.

Alderman O'Neil stated that's fine I'm willing to do that.

Alderman Gatsas asked have they called the Human Resources Director with these complaints?

Alderman O'Neil replied there seems to be some confusion on that. I know the health care provider contacted CIGNA and was given some information that may have not turned out to be correct. The employees...I'm not sure that was clear. As a matter of fact this past week Ms. Lamberton sent out a communication to all department heads asking them to reemphasize to all employees that these things didn't happen or that they should contact HR if there are problems but I'm not convinced that that was communicated to all of the employees previously and then this retiree issue bothers me on something that they have traditionally under Anthem paid \$15.00 for were told they were going to have to pay \$75.00 for. Somehow it got worked out at the pharmacy but it was an issue for them and they got pretty upset about it.

Alderman Gatsas stated I can tell you that sitting around the table with CIGNA that they made it very, very clear that they would work out whatever issue they needed to work out.

Alderman O'Neil stated they're not practicing what they preach based on the information I have.

Mayor Guinta stated we've got your letter, we'll come to the next Board, we'll also sit down with the HR Director prior to that to try to work out these issues.

Alderman Duval stated at a meeting last night in Ward 4 a tremendous amount of people turned out to express concerns over, a growing concern over tremendous problems on the

streets of Rhode Island Avenue, Maryland Avenue, Page Street, upper Bridge Street, upper Hanover Street in large part due to speed of vehicles, volume of vehicles and excessively loud noise from motorcycles and oftentimes cars. Kevin Sheppard was in attendance at the meeting, Lt. Hopkins represented the Police Department, Jim Hoben was there to represent Traffic and Alderman Osborne attended as well as Chairman of Public Safety. The reason why I bring this up is because going forward we are going to need a tremendous amount of cooperation and collaboration between Board members and working with the Aldermen At-Large...both of them...and resources from City departments if we're going to put together a workable plan of action to give some relief for these neighborhood streets that are just plagued with these problems that I've mentioned. I was a little bit disappointed to hear when I asked Lt. Hopkins about counting traffic and measuring the speed of vehicles and getting statistical data that there's a shortage of that they of equipment...I don't know how expensive that it or how elaborate it is but to Chief Jaskolka if there's any resources that you can provide to us to at least begin to get us the data that we need in a timely fashion we'd certainly appreciate it. I don't know whose responsibility it is but Alderman O'Neil you can comment because I'm not aware of where the equipment comes from or who under whose auspices the equipment is but it seems to me that we can't have a broken piece of equipment and just sort of accept that and then wait months and months to get this data that's so much in need.

Alderman O'Neil stated your Honor I don't know how many years ago but several years ago, many years ago we purchased I believe two of three of them...speed counter and what it does for the Police Department is it allows them to track in a seven day period...it's a tube running across the road and what it allows them is to determine what days and what times of the days might be the peak problem so they can target enforcement and I bet we've gotten our money's worth out of them and they might be due for some replacement and maybe we could even pick up a few more. I don't know how expensive they are maybe the Police Department can get back to us on that...it was a great tool. The Chief may have been the Lieutenant in Traffic when we first got them...do you remember that, John. So they've been around awhile and I think we've gotten every penny out of them we can but it may be time to replace them and it's a good tool...the Police Department have been very successful with them over the years.

Alderman Duval stated my point is, your Honor, to whatever extent your office can be of assistance in working with the Police Department...getting the resources we need to be able to work with the various departments for getting this information so we can put together a viable plan. I know you yourself did take time to meet with one of the ward residents from Rhode Island Avenue. I think that your office is familiar with the problems that they're experiencing up there and they need to be addressed.

Mayor Guinta stated let's put that on our agenda Chief for Tuesday.

Alderman Duval stated thank you Chief, thank you Mayor.

Alderman Smith stated I was going to answer the question. I had to wait about seven days and they only have a couple of counters and they did a very good job...they did it over at A and B Streets and they did it for about seven days but there's only so many types of equipment. I've had it over in my ward about eight or nine times but you've got to wait for it to get to you because they're at another location.

Alderman O'Neil stated they're not many of them and maybe we could get some extras.

Mayor Guinta stated I'm advising that immediately following adjournment of the Boar that we will hold a negotiation strategy session with the Chief Negotiator.

Alderman Garrity interjected your Honor it's time this Board starts doing this stuff with the Chief Negotiator at a different time. Members have been here for almost 7.5 hours for meetings and I don't see how we can make a good decision on contracts that are going to cost the City millions of dollars at eleven-thirty at night.

Mayor Guinta stated we'll work with the Clerk's office.

Alderman Garrity stated it's my third request, your Honor.

Mayor Guinta stated Alderman we've had meetings with past Board, Board meetings...we have had committee meetings the same night so we weren't able to have these negotiations.

Alderman Garrity stated I've given to the Clerk's office not to schedule committee meetings before the full Board at least once-a-month so we can have these meetings with our Chief Negotiator at a time that's reasonable...something before midnight.

Mayor Guinta stated what I was going to finish saying is that we will work with the Clerk's office for the next month's meeting to make sure that this meeting starts around six or six-thirty prior to the seven o'clock meeting so we don't have to do this at this hour. So I'm going to advise that immediately following adjournment the Board...

Deputy City Clerk Johnson interjected quickly we place that on as adjournment but if there's any anticipated action on any contracts you should recess rather than adjourn.

Mayor Guinta stated I understand that. I'm advising that immediately following the adjournment the Board will hold a negotiations strategy session with the Chief Negotiator and if there's no further business a motion would be in order to adjourn.

On motion of Alderman Roy, duly seconded by Alderman DeVries, it was voted to recess the meeting to meet with the Chief Negotiator.

There being no further business to come before the Board, on motion of Alderman Roy, duly seconded by Alderman DeVries, it was voted to adjourn.

A True Record. Attest.

City Clerk